

Jennifer R. Liakos (SBN 207487)  
jenn@jennliakoslaw.com  
Kaelyn E. Urrea (SBN 351091)  
kaelyn@jennliakoslaw.com  
LIAKOS LAW, APC  
955 Deep Valley Drive, Suite 3900  
Palos Verdes Peninsula, CA 90274  
(310) 961-0066

*Attorneys for Movant LL John Doe JU*

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

In re:

THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

Debtor In Possession,

Case No.: 23-30564

Chapter 11

**DECLARATION OF JENNIFER R.  
LIAKOS, ESQ. IN SUPPORT OF MOTION  
FOR AN ORDER TO ENLARGE THE  
CLAIMS BAR DATE TO ALLOW FILING  
OF LATE PROOF OF CLAIM**

Date: May 8, 2025

Time: 1:30 p.m.

Location: Remotely Via Zoom

Judge: Hon. Dennis Montali

**DECLARATION OF JENNIFER R. LIAKOS, ESQ.**

I, Jennifer R. Liakos, declare as follows:

1. I am the founding and managing partner at Liakos Law, APC, counsel of record for Movant LL John Doe JU (“Movant”) in this action. Liakos Law, APC, primarily handles cases involving childhood sexual abuse. I am licensed to practice law in the Courts of the State of California. My firm is counsel of record for Movant LL John Doe JU, as well as other claimants in the above-captioned Chapter 11 bankruptcy action. I am an adult California resident, competent to testify, and if called as a witness, my testimony under oath would be as follows.

2. I am generally familiar with the Chapter 11 case filed by the Roman Catholic Archbishop of San Francisco (hereafter “Debtor”).

3. Attached hereto as **Exhibit 1** is a true and correct copy of Movant’s Amended Master Complaint for Damages in Case No. 22CV023613, filed in Alameda Superior Court in California on May 23, 2023.

4. Attached hereto as **Exhibit 2** are true and correct copies of the Notice and Acknowledgement of Receipt and the Judge Evelio Grillo’s Order adding Movant’s state court case on to the Judicial Council Coordination Proceedings (“JCCP”) 5108.

5. My firm uses the case management software Filevine to organize, manage, and maintain the firm’s cases, including Movant’s case. A feature of FileVine includes the ability to assign defendants to cases and search by specific defendants. In this case, the name was incorrectly entered into Filevine, and thus did not show up when searching for cases in which the Debtor was a defendant. As a result of this mistake, my firm did not file a proof of claim for Movant. My firm filed proof of claims in other cases involving the Debtor.

6. Given that Movant’s counsel only had access to the filed redacted version of the Debtor’s Statement of Methodology Regarding the Debtor’s Schedules of Assets and Liabilities and Statements of Financial Affairs (Dkt. No. 152), Movant’s counsel reached out to Brittany Michael, bankruptcy counsel for the Committee of Unsecured Creditors, and on March 27, 2025, Ms. Michael confirmed that LL John Doe JU is listed on the Debtor’s bankruptcy schedule.

7. On March 8, 2025, Rick Simons (Plaintiff Liaison Counsel in the state court JCCP 5108

1 proceedings) emailed me regarding clarification of the defendant in Movant's state court case. I  
2 then discovered that the defendant was incorrectly listed in Filevine in Movant's case, and realized  
3 that my firm did not file a proof of claim for Movant.

4 8. I have reviewed the docket for this case, and to date, the Debtor has not filed any proposed  
5 Plan of Reorganization.

6 9. Mediation is currently ongoing but is subject to mediation privilege and discussions remain  
7 confidential. However, the Debtor has recently advised the Court that mediation "is at its beginning  
8 stages" Attached as **Exhibit 3** is a true and correct copy of the Debtor's Status Conference  
9 Statement For March 13, 2025, Status Conference.

10 10. My firm reached out to Brittany Michael, bankruptcy counsel for the Committee of  
11 Unsecured Creditors to let her know that my firm would need to file an order to enlarge the claims  
12 bar date to file Movant's claim.

13  
14 I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct. Executed this 1st day of April, 2025, at Galápagos Islands, Ecuador.

16  
17   
18 \_\_\_\_\_  
19 Jennifer R. Liakos  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

JENNIFER R. LIAKOS, ESQ. (SBN #207487)  
LIAKOS LAW, APC  
955 Deep Valley Drive  
Suite 3900  
Palos Verdes Peninsula, CA 90274  
(310) 961-0066  
[Jenn@JennLiakosLaw.com](mailto:Jenn@JennLiakosLaw.com)  
Attorney for Plaintiff LL John Doe JU

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

LL JOHN DOE JU, individually,  
Plaintiff,

v.

DEFENDANT DOE ARCHDIOCESE;  
DEFENDANT DOE PARISH and  
DEFENDANT DOE SCHOOL (collectively  
referred to herein as "DEFENDANT DOE  
PARISH"), DEFENDANT DOES 1 through  
500, inclusive,  
Defendants.

NORTHERN CALIFORNIA CLERGY  
CASES

Case No.: 22CV023613  
JCCP 5108

Judge: Hon. Evelio Grillo  
Coordination Trial Judge  
Department: 21

**AMENDED MASTER COMPLAINT FOR  
DAMAGES FOR:**

- (1) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (2) HUMAN TRAFFICKING (*CIVIL CODE* §52.5)
- (3) NEGLIGENCE;
- (4) NEGLIGENT SUPERVISION;
- (5) NEGLIGENT RETENTION/HIRING;
- (6) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- (7) BREACH OF FIDUCIARY DUTY;
- (8) CONSTRUCTIVE FRAUD (*CIVIL CODE* §1573);
- (9) SEXUAL HARASSMENT (*CIVIL CODE* §51.9);
- (10) FRAUDULENT TRANSFER (*CIVIL CODE* §3439, *ET SEQ.*);
- (11) SEXUAL BATTERY (*CIVIL CODE* § 1708.5 ;
- (12) SEXUAL ASSAULT
- (13) GENDER VIOLENCE
- (14) VIOLATION OF *PENAL CODE* §288(A) ;
- (15) VIOLATION OF *PENAL CODE* §647.6(A) ;
- (16) VIOLATION OF *PENAL CODE* §265.

**DEMAND FOR JURY TRIAL**

COMES NOW, the Plaintiffs who hereby complain and allege against Defendants DOE ARCHDIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, and DOES 1 through 500, inclusive (“Defendants”), as follows:

**GENERAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

1. The Plaintiffs, survivors of childhood sexual abuse, bring this action to hold the religious institutions accountable that they and their family entrusted with their safety as minor children; institutions that harbored their perpetrators and failed to protect these minor children with whom the RELIGIOUS ENTITY DEFENDANTS stood *in loco parentis*. This case seeks to vindicate the rights of these survivors who unnecessarily suffered abuse at the hands of trusted religious leaders, to whom they were vulnerable and which they trusted. This Master Complaint has been created and will be adopted by each Plaintiff assigned to the Coordinated Proceeding, *Northern California Clergy Cases*, JCCP Case No. 5108. Hereinafter, the term “Plaintiff” will be utilized, and referring to each Plaintiff that provides an adoption form to this Master Complaint.

**THE PLAINTIFF**

2. The Plaintiff is an adult individual, who is under the age of forty (40) years old. Therefore, the Plaintiff need not file Certificates of Merit, pursuant to *Code of Civil Procedure* §340.1(g) and is permitted to name the Defendants in this action by their true and correct names.

3. The Plaintiff is an adult individual, who is over the age of forty (40) years old. Therefore, the Plaintiff has filed a declaration from a mental healthcare practitioner, and an attorney declaration for each named defendant in this Action, pursuant to the requirements of *Code of Civil Procedure* §340.1. Moreover, each named defendant in this action shall be named as a “Doe” pursuant to the requirement of *Code of Civil Procedure* §340.1(n), until such time as a declaration of corroborative fact has been approved by the Court.

4. A declaration of corroborative fact has been filed in this matter and approved by a Court of competent jurisdiction. As such, the Plaintiff, who is over the age of forty (40) years of age, is permitted to name the Defendants by their true and correct names.

5. The Plaintiff is a minor, thus, the instant Complaint is brought by and through the Plaintiff’s Guardian *ad litem*.

6. The Plaintiff is currently a resident of the State of California.

7. The Plaintiff was a resident of the State of California, during the time when the childhood sexual abuse, harassment and/or assault occurred.

8. The childhood sexual abuse, harassment, and/or assault occurred within the State of California, at least in part.

## DEFENDANTS

**(Defendant, DOE ARCHDIOCESE)**

9. Defendant DOE ARCHDIOCESE is at all times mentioned herein was and is, a corporation sole, having its principal place of business in the County of San Francisco, State of California. Defendant DOE 1 purposely conducts substantial business activities in the State of California, and was the primary entity owning, operating and controlling the activities and behavior of its employees, agents, volunteers, and/or servants, including the DOE PERPETRATOR, as well as DOES 1 through 500 and all other employees, agents, and supervisors of those defendants.

10. The Plaintiff is informed and believes, and thereon alleges that Defendant DOE ARCHDIOCESE was an entity that supervised priests, supervised children, and understood that children would be in its programs, on its premises, and in the care, custody, and control of Defendant DOE ARCHDIOCESE, including the Plaintiff when they were parishioners, and/or participants in religious, recreational, athletic, and/or social activities, altar servers and/or students.

11. At all relevant times herein, DOE RELIGIOUS ORDER was required to obtain permission from DOE ARCHDIOCESE, in order for its religious personnel to be assigned within DOE ARCHDIOCESE, and to be in contact with minor children within those institutions. As such, DOE ARCHDIOCESE had a duty to ensure that those DOE RELIGIOUS ORDER personnel were safe to be around minor children and parishioners.

**(Defendant, DOE DIOCESE)**

12. Defendant DOE DIOCESE, at all times mentioned herein, was and is a corporation sole, having its principal place of business in the State of California. Defendant DOE 1 purposely conducts substantial business activities in the State of California, and was the primary entity owning, operating and controlling the activities and behavior of its employees, agents, volunteers

1 and/or servants, including the DOE PERPETRATOR, as well as DOES 1 through 500 and all other  
2 employees, agents, and supervisors of those defendants. The Plaintiff is informed and believes, and  
3 thereon alleges that Defendant DOE DIOCESE was an entity that supervised priests, supervised  
4 children, and understood that children would be in its programs, on its premises, and in the care,  
5 custody, and control of Defendant DOE 1, including the Plaintiffs when they were parishioners,  
6 participants in religious, recreational, athletic, and social activities, altar servers and/or students.

7 13. At all relevant times herein, DOE RELIGIOUS ORDER was required to obtain  
8 permission from DOE DIOCESE, in order for its religious personnel to be assigned within DOE  
9 DIOCESE, and to be in contact with minor children within those institutions. As such, DOE  
10 DIOCESE had a duty to ensure that those DOE RELIGIOUS ORDER personnel were safe to be  
11 around minor children and parishioners.

12 **(Defendant, DOE PARISH)**

13 14. Defendant DOE PARISH, at all times mentioned herein, was and is, a religious  
14 corporation, having its principal place of business in the State of California. Defendant DOE  
15 PARISH purposely conducts substantial business activities in the State of California, and was the  
16 primary entity owning, operating and controlling the activities and behavior of its employees,  
17 agents, volunteers, and/or servants including but not limited to the DOE PERPETRATOR, as well  
18 as DOES 1 through 500 and all other employees, agents, and supervisors of those defendants. The  
19 Plaintiffs are informed and believe, and thereon allege that Defendant DOE 1 was an entity that  
20 supervised priests, supervised children, and understood that children would be in its programs, on  
21 its premises, and in the care, custody, and control of Defendant DOE 1, including the Plaintiffs  
22 when they were parishioners, participants in religious, recreational, athletic, and social activities,  
23 altar servers and/or students.

24 15. Defendant DOE PARISH was incorporated after the childhood sexual abuse of the  
25 Plaintiff, and was incorporated, as an entity wholly owned, controlled, managed, operated, and  
26 supervised by DOE ARCHDIOCESE and/or DOE DIOCESE. It is based upon information, and  
27 therefore belief, that DOE PARISH was incorporated as a successor-in-interest to and/or *alter ego*  
28 of DOE DIOCESE and/or DOE ARCHDIOCESE.



1                                   **(Defendant, DOE RELIGIOUS ORDER)**

2           16.     Defendant DOE RELIGIOUS ORDER is at all times mentioned herein was and is,  
3 a religious corporation. Defendant DOE RELIGIOUS ORDER purposely conducts substantial  
4 business activities in the State of California, and was the primary entity owning, operating and  
5 controlling the activities and behavior of its employees, agents, volunteers, and/or servants,  
6 including the DOE PERPETRATOR, as well as DOES 1 through 500 and all other employees,  
7 agents, and supervisors of those defendants.

8           17.     The Plaintiff is informed and believes, and thereon alleges that Defendant DOE  
9 RELIGIOUS ORDER was an entity that supervised priests, other religious personnel, supervised  
10 children, and understood that children would be in its programs, on its premises, and in the care,  
11 custody, and control of Defendant DOE RELIGIOUS ORDER and its agents, including the  
12 Plaintiff.

13           18.     Collectively, the institutions DOE ARCHDIOCESE, DOE DIOCESE, and/or DOE  
14 PARISH named in this lawsuit, shall be referred to as: “RELIGIOUS ENTITY DEFENDANTS”,  
15 hereinafter.

16                                   **(Defendant, DOE PERPETRATOR)**

17           19.     Defendant, DOE PERPETRATOR is an adult individual. The DOE  
18 PERPETRATOR was in a position of trust, confidence, and responsibility with the Plaintiff, as a  
19 function of the position the DOE PERPETRATOR was with the RELIGIOUS ENTITY  
20 DEFENDANTS. Specifically, the DOE PERPETRATOR was placed in contact with minor  
21 children, through the DOE PERPETRATOR’s role with the RELIGIOUS ENTITY  
22 DEFENDANTS, and thus, stood *in loco parentis* with the Plaintiff and the Plaintiff’s guardians.

23           20.     Defendant DOE PERPETRATOR was an agent, servant, employee, volunteer  
24 and/or member of the RELIGIOUS ENTITY DEFENDANTS during the time of the Plaintiff’s  
25 childhood sexual abuse.

26           21.     Collectively, the DOE PERPETRATOR, DOE ARCHDIOCESE, DOE DIOCESE,  
27 DOE PARISH, DOE RELIGIOUS ORDER, and/or DOES 1 through 500 are referred to as  
28 “Defendants.”

1           22.     The Plaintiff is informed and believes, and thereupon alleges, that the true names  
2 and capacities, whether individual, corporate, associate or otherwise, of Defendants named herein  
3 as DOES 8 through 50, inclusive, are unknown to the Plaintiff, who therefore sues said Defendants  
4 by such fictitious names. Plaintiff will amend the Complaint to allege their true names and  
5 capacities when such have been ascertained. Upon information and belief, each of the said Doe  
6 Defendants is responsible in some manner under *Code of Civil Procedure* §§340.1(a)(1),(2),(3),  
7 and 340.1 (c) for the occurrences herein alleged, and were a legal cause of the childhood sexual  
8 assault which resulted in injury to the Plaintiff as alleged herein.

9           23.     Plaintiff is informed and believes, and on that basis allege, that at all times  
10 mentioned herein, there existed a unity of interest and ownership among Defendants and each of  
11 them, such that any individuality and separateness between Defendants, and each of them, ceased  
12 to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the other  
13 Defendants, and each of them, in that they purchased, controlled, dominated and operated each  
14 other without any separate identity, observation of formalities, or other manner of division. To  
15 continue maintaining the facade of a separate and individual existence between and among  
16 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

17           24.     Plaintiff is informed and believes, and on that basis alleges, that at all times  
18 mentioned herein, Defendants and each of them were the agents, representatives and/or employees  
19 of each and every other Defendant. In doing the things hereinafter alleged, Defendants and each of  
20 them, were acting within the course and scope of said alternative personality, capacity, identity,  
21 agency, representation and/or employment and were within the scope of their authority, whether  
22 actual or apparent. Plaintiff is informed and believes, and on that basis alleges, that at all times  
23 mentioned herein, Defendants and each of them were the trustees, partners, servants, joint  
24 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the  
25 acts and omissions herein alleged were done by them, acting individually, through such capacity  
26 and within the scope of their authority, and with the permission and consent of each and every other  
27 Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that  
28 each of them is jointly and severally liable to Plaintiff.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3  
4  
5  
6  
7  
8

0  
1  
2

4

6  
78  
9

20  
21  
22  
23  
24

- 26
- 
- 27
- 
- 28

- d. Suicidal ideation or thoughts;
- e. Suicide attempts;
- f. Anger;
- g. Betrayal;
- h. Loss of faith;
- i. Nervousness;
- j. Problems with those in positions of authority;
- k. Interpersonal relationship problems with those in positions of confidence or trust;
- l. Problems interacting with others, including but not limited to family members;
- m. Guilt, shame, and/or humiliation;

30. As a direct and proximate result of the childhood sexual assault, harassment and abuse committed against the Plaintiff by the DOE PERPETRATOR, which was enabled and facilitated by RELIGIOUS ENTITY DEFENDANTS, Plaintiff has, and will continue to, incur expenses for mental, psychological, psychiatric, and medical care due to the assault, according to proof at trial:

- a. Future Medical Expenses, including but not limited psychological and/or psychiatric care;
- b. Past Medical Expenses (Past) including but not limited psychological and/or psychiatric care;

31. As a further direct and proximate result of the DOE PERPETRATOR's sexual assaults, harassment and abuse, which was enabled and facilitated by RELIGIOUS ENTITY DEFENDANTS, Plaintiffs have suffered additional economic injury as follows:

- a. Lost earning capacity (Future);
- b. Lost income (Past).

32. These damages were all suffered as to the Plaintiff's general, special and consequential damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this Court.

**DUTIES OF THE RELIGIOUS ENTITY DEFENDANTS TO PROTECT THE  
PLAINTIFF AND CONTROL THE DOE PERPETRATOR**

1           33. At all times herein, the RELIGIOUS ENTITY DEFENDANTS, and each of them,  
2 knew or should have known that the DOE PERPETRATOR was unfit, posed a risk of harm to  
3 minor children, and/or posed a risk of childhood sexual assault to minor children in its care, custody  
4 and control. Specifically, RELIGIOUS ENTITY DEFENDANTS knew or should have known, or  
5 were otherwise on notice, that the DOE PERPETRATOR had engaged in misconduct that created  
6 the risk of childhood sexual assault and failed to take reasonable steps or to implement reasonable  
7 safeguards to avoid acts of childhood sexual assault by the DOE PERPETRATOR on minors,  
8 including Plaintiff.

9           34. As a priest, employee, representative, servant, agent, and/or volunteer of  
10 RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500, the DOE PERPETRATOR was  
11 placed into a position of moral, ethical, religious, and legal authority over the Plaintiffs, their  
12 parents, and parishioners with whom became into contact. The DOE PERPETRATOR was a  
13 confidant to the Plaintiffs and their families, and as a result, there was a special, trusting,  
14 confidential and fiduciary relationship between the Plaintiff and the DOE PERPETRATOR, as well  
15 as between Defendants DOE 1 and DOES 1-50 and the Plaintiff. Through this relationship with the  
16 Plaintiff, Defendants DOE 1 stood *in loco parentis* with the Plaintiff and Plaintiff's family.  
17 Specifically, Defendants took the Plaintiff into their custody, care and control, which conferred  
18 upon the Plaintiff and their families the reasonable belief that the Plaintiff, a minor children, would  
19 be protected and cared for, as if Defendants were the Plaintiffs' own parents.

20           35. As a minor at DEFENDANT RELIGIOUS ENTITIES, where the DOE  
21 PERPETRATOR was employed, retained, and worked, Plaintiff was under the DOE  
22 PERPETRATOR's, as well as DOE 1 and DOES 1-50's direct supervision, care and control, thus  
23 creating a special relationship, fiduciary relationship, and/or special care relationship with  
24 Defendants, and each of them. Additionally, as minor children under the custody, care and control  
25 of Defendants, Defendants stood *in loco parentis* with respect to Plaintiff while Plaintiff was at  
26 DOE 1 and DOES 1 through 500. As the responsible parties and/or employers controlling the DOE  
27 PERPETRATOR, Defendants were also in a special relationship with Plaintiff, and owed special  
28 duties to Plaintiff.

1           36. Defendants also intentionally and willfully implemented various measures intended  
2 and designed to, or which effectively, made the DOE PERPETRATOR's conduct harder to detect  
3 including, but not limited to:

- 4           a. Assigning and permitting the DOE PERPETRATOR to remain in a position  
5 of authority and trust after DEFENDANT RELIGIOUS ENTITIES and  
6 DOES 1 through 500 knew or should have known that was an unfit agent,  
7 servant, employee, member and/or volunteer;
- 8           b. Assigning and permitting the DOE PERPETRATOR to remain in a position  
9 of authority and trust after DEFENDANT RELIGIOUS ENTITIES and  
10 DOES 1 through 500 knew or should have known that was in misconduct  
11 that created a risk of childhood sexual assault to be perpetrated by the DOE  
12 PERPETRATOR;
- 13           b. Placing the DOE PERPETRATOR in a separate and secluded environment,  
14 including placing him in charge of children, which allowed the DOE  
15 PERPETRATOR to sexually and physically interact with and assault the  
16 children, including Plaintiff;
- 17           c. Authorizing the DOE PERPETRATOR to come into contact with minors,  
18 including Plaintiff, without adequate supervision;
- 19           d. Failing to inform, or concealing from Plaintiff's parents and law  
20 enforcement officials the fact that Plaintiff and others were or may have  
21 been sexually assaulted after Defendants knew or should have known that  
22 the DOE PERPETRATOR may have sexually assaulted Plaintiff or others,  
23 thereby enabling Plaintiff to continue to be endangered and sexually  
24 assaulted, and/or creating the circumstance where the Plaintiff and others  
25 were less likely to receive medical/mental health care and treatment, thus  
26 exacerbating the harm to Plaintiff;
- 27           e. Holding out and affirming the DOE PERPETRATOR to Plaintiff and  
28 Plaintiff's parents, other children and their parents, and to the community  
as being in good standing and trustworthy;
- f. Failing to take reasonable steps, and to implement reasonable safeguards to  
avoid acts of unlawful sexual conduct by the DOE PERPETRATOR with  
students minor children; and
- g. Failing to put in place a system or procedure to supervise or monitor  
employees, volunteers, representatives or agents to insure that they did not  
molest or assault minors in Defendants' custody or care, including Plaintiff.

37. By his position within the DEFENDANT RELIGIOUS ENTITIES, Defendants  
demanded and required that Plaintiff respect the DOE PERPETRATOR in his position of priest,  
spiritual advisor, confidant, teacher, and/or mentor at DEFENDANT RELIGIOUS ENTITIES and  
DOES 1 through 500.

1           38. Plaintiff is informed and believe, and on that basis allege, that Defendants and each  
2 of them, were or should have been aware of the DOE PERPETRATOR's wrongful conduct at or  
3 about the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such  
4 continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the authority  
5 and ability to do so, these Defendants negligently and/or willfully refused to, and/or did not act  
6 effectively to stop the sexual assaults on the Plaintiff, to inhibit or obstruct such assault, or to protect  
7 the Plaintiff from the results of that trauma.

8           39. During the period of assaults perpetrated upon the Plaintiff, DEFENDANT  
9 RELIGIOUS ENTITIES and DOES 1 through 500 had the authority and the ability to obstruct or  
10 stop the DOE PERPETRATOR's sexual assaults on the Plaintiff, but intentionally, negligently  
11 and/or willfully failed to do so, thereby allowing the assault to occur and to continue unabated. This  
12 failure was a part of Defendants' intended plan and arrangement to conceal wrongful acts, to avoid  
13 and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their  
14 tolerance of child sexual molestation and assault, to preserve a false appearance of propriety, and  
15 to avoid investigation and action by public authority including law enforcement. The Plaintiff is  
16 informed and believes, and on that basis alleges, that such actions were motivated by a desire to  
17 protect the reputation of Defendants and each of them, and to protect the monetary support of  
18 Defendants while fostering an environment where such assault could continue to occur.

### 19                                   **STATUTE OF LIMITATIONS**

20           40. Pursuant to *Code of Civil Procedure* §340.1(q) as amended by Assembly Bill 218,  
21 effective January 1, 2020 there is a three (3) year window in which all civil claims of childhood  
22 sexual assault are revived if they have not been litigated to finality. This provision provides that,  
23 "[n]otwithstanding any other provision of law, any claim for damages described in paragraphs (1)  
24 through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would  
25 otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim  
26 presentation deadline, or any other time limit had expired, is revived, and these claims may be  
27 commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year  
28 time period under this subdivision or the time period under subdivision (a) as amended by the act



1 that added this subdivision.” These claims of the Plaintiff have not been previously litigated to  
2 finality and have been filed (or are still pending) within the timeframe specified *supra*, thus, it is  
3 timely under the revised provisions of *Code of Civil Procedure* §340.1(q).

4 41. The Plaintiff is under the age of forty (40) years old at the time of filing of the  
5 Complaint, therefore, their action is timely pursuant to *Code of Civil Procedure* §340.1(a).

6 42. The Plaintiff is over the age of forty (40) years old at the time of filing of the  
7 Complaint. Since this action is being commenced after the Plaintiff’s 40<sup>th</sup> birthday, and as set forth  
8 more fully *supra*, it is upon information, and therefore belief, that the RELIGIOUS ENTITY  
9 DEFENDANTS knew or had reason to know, or were otherwise on notice, of misconduct that  
10 created a risk of childhood sexual assault by DOE PERPETRATOR

11 43. Since this action is being commenced after the Plaintiff’s 40<sup>th</sup> birthday, and as set  
12 forth more fully *supra*, it is upon information, and therefore belief, that the RELIGIOUS ENTITY  
13 DEFENDANTS failed to take reasonable steps, or to implement reasonable safeguards, to avoid  
14 acts of childhood sexual assault, including but not limited to preventing or avoiding placement of  
15 the DOE PERPETRATOR in a function or environment in which contact with children was an  
16 inherent part of that function or environment.

17 44. Pursuant to *Code of Civil Procedure* §340.1(g)(1), a separate Certificate of Merit  
18 was filed by the Plaintiff’s attorney for each defendant in this action.

19 45. Pursuant to *Code of Civil Procedure* §340.1(g)(2), a declaration from a mental  
20 healthcare practitioner was filed concurrently with the instant Complaint for the Plaintiff.

21 **PUNITIVE DAMAGES SOUGHT AGAINST RELIGIOUS ENTITY DEFENDANTS AND**  
22 **RESERVATION OF RIGHTS**

23 46. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 are, based on  
24 information and belief, religious corporations, organized under the laws of California, and  
25 therefore, are afforded the protection of *Code of Civil Procedure* §425.14. Upon such time as  
26 appropriate, the Plaintiff expressly reserves the right to file a Motion to Amend the instant  
27 Complaint, in order to allege facts sufficient to constitute punitive damages against DEFENDANT  
28



1 RELIGIOUS ENTITIES, in accord with evidence that substantiates a finding of the clear and  
2 convincing evidentiary requirement of *Civil Code* §3294.

3 **FIRST CAUSE OF ACTION**  
4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
5 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
6 **RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

7 47. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
8 paragraphs, as though fully set forth herein.

9 48. Defendants' conduct towards the Plaintiff, as described herein, was outrageous and  
10 extreme.

11 49. A reasonable person would not expect or tolerate the DEFENDANT RELIGIOUS  
12 ENTITIES and DOES 1 through 500 putting the DOE PERPETRATOR in positions of authority  
13 at DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, which enabled the DOE  
14 PERPETRATOR to have access to minor children, including the Plaintiff, so that he could commit  
15 wrongful sexual acts with them, including the conduct described herein above. The Plaintiff held  
16 great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct,  
17 turned to fear.

18 50. A reasonable person would not expect or tolerate the DEFENDANT RELIGIOUS  
19 ENTITIES to be incapable of supervising and preventing employees of Defendants, including the  
20 DOE PERPETRATOR, from committing wrongful sexual acts with minor children in their charge,  
21 including Plaintiff, or to be incapable of properly supervising the DOE PERPETRATOR to prevent  
22 such assault from occurring.

23 51. Defendants' conduct described herein was intentional and malicious and done for  
24 the purpose of causing, or with reckless disregard of the rights of the Plaintiff, with the substantial  
25 certainty that it would cause Plaintiff and the other children who were enrolled in, participated in,  
26 or were members and participants in, activities of their parish and of Defendants' religious,  
27 educational, recreational, and social programs, to suffer humiliation, mental anguish and emotional  
28 and physical distress.

52. As a result of the above-described conduct, Plaintiff suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

53. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14.

**SECOND CAUSE OF ACTION**  
**HUMAN TRAFFICKING (*CIVIL CODE* §52.5)**  
**(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
**RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

54. Plaintiff repeats, re-alleges and incorporates herein by reference all prior paragraphs, as though fully set forth herein.

55. The Plaintiff, who was a minor when the DOE PERPETRATOR took custody of them, was a victim under *Penal Code* §236.1 (specifically, subsection (a)), and is entitled to bring a claim under *Civil Code* §52.5(a).

56. The Plaintiff is a victim under California *Penal Code* §236.1(a), given the following facts:

- a. The Plaintiff had their personal liberty and/or freedom deprived when, the DOE PERPETRATOR transported them;
- b. The Plaintiff was a minor, therefore was unable to give consent to such acts. Purported consent of a minor, is no basis for a defense under *Penal Code* §236.1(e);
- c. The DOE PERPETRATOR transported the Plaintiff in order to obtain forced, sexual services from the Plaintiff, in a secluded area, which were performed upon the DOE PERPETRATOR;
- d. The Plaintiff, as a minor, did perform forced, sexual services for the DOE PERPETRATOR, after they had been transported. The Plaintiff was a minor at all relevant times and was unable to give valid consent to any of the sex acts that were perpetrated upon them by DOE PERPETRATOR.

1           57.     The Defendant RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500,  
2     having full knowledge of the dangerous and sexually exploitive propensities of the DOE  
3     PERPETRATOR, ratified the DOE PERPETRATOR's conduct and are liable pursuant to *C.R. v.*  
4     *Tenet Healthcare Corp.* (2009) 169 Cal.App.4th 1094, 1110 ("...an employer may be liable for an  
5     employee's act where the employer either authorized the tortious act or subsequently ratified an  
6     originally unauthorized tort. [Citations.] The failure to discharge an employee who has committed  
7     misconduct may be evidence of ratification. [Citations.] The theory of ratification is generally  
8     applied where an employer fails to investigate or respond to charges that an employee committed  
9     an intentional tort, such as assault or battery.") Prior to the Plaintiff's transportation by the DOE  
10    PERPETRATOR, the DEFENDANT RELIGIOUS ENTITIES knew, or should have known, that  
11    the DOE PERPETRATOR was unfit to be around minor children and posed a danger to those  
12    children the DOE PERPETRATOR was assigned to care for, or otherwise supervise.

13           58.     Furthermore, the RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500,  
14    were made well aware that the DOE PERPETRATOR was transporting minor students in his  
15    vehicle, with no other adults present. Despite having this knowledge, the RELIGIOUS ENTITY  
16    DEFENDANTS, and DOES 1 through 100, chose not to discipline, remove, sanction, deter,  
17    supervise, or restrict the DOE PERPETRATOR's conduct.

18           59.     As a result of the above-described conduct, the Plaintiff suffered and continues to  
19    suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
20    distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;  
21    has suffered and continues to suffer and were prevented and will continue to be prevented from  
22    performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and  
23    earning capacity, and have incurred and will continue to incur expenses for medical and  
24    psychological treatment, therapy, and counseling.

25           60.     In subjecting Plaintiff to the wrongful treatment herein described, Defendant DOE  
26    PERPETRATOR acted willfully and maliciously with the intent to harm Plaintiff, and in conscious  
27    disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California *Civil*  
28    *Code* section 3294.

1           61. Plaintiff is therefore entitled, upon proper application to the court, to the recovery of  
2 punitive damages, in an amount to be determined by the court, the RELIGIOUS ENTITY  
3 DEFENDANTS. Plaintiff reserves his right, pursuant to California *Code of Civil Procedure* §  
4 425.14, to seek leave of court to pursue an award of punitive damages against RELIGIOUS  
5 ENTITY DEFENDANTS, in a sum to be shown according to proof.

6           62. Pursuant to *Civil Code* §52.5(a), the Plaintiff is entitled to recover actual damages,  
7 compensatory damages, punitive damages (specified above and in accordance with *Code of Civil*  
8 *Procedure* §425.14), as well as attorneys' fees. Furthermore, pursuant to *Civil Code* §52.5(b), the  
9 Plaintiff seeks to recover three (3) times their actual damages against Defendants, and DOES 1  
10 through 500, in addition to the remedies stated in the previous sentence, as their actual damages are  
11 far exceed \$10,000.00.

12                                   **THIRD CAUSE OF ACTION**  
13                                   **NEGLIGENCE**  
14                                   **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
15                                   **RELIGIOUS ORDER, and DOES 1 through 500)**

16           63. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
17 paragraphs, as though fully set forth herein.

18           64. As more fully set forth above, the conduct and actions of the DEFENDANT  
19 RELIGIOUS ENTITIES, and DOES 1 through 500, served to create an environment in which the  
20 DOE PERPETRATOR was afforded years of continuous secluded access to minor children  
21 including the Plaintiff, a minor child at the time of their sexual assaults by the DOE  
22 PERPETRATOR.

23           65. As more fully set forth above, Defendants DOE 1, and DOES 1 through 500,  
24 inclusive, were aware and/or on notice of the DOE PERPETRATOR's sexual misconduct with  
25 minors prior to the first occasion on which Plaintiff was placed in the DOE PERPETRATOR's  
26 custody through the acts of Defendants. Accordingly, at the time the DOE PERPETRATOR and  
27 Defendants DOE 1, and DOES 1 through 500, inclusive, performed the acts alleged herein, it was  
28 or should have been reasonably foreseeable to Defendants that by continuously exposing and  
making Plaintiff available to the DOE PERPETRATOR, Defendants were placing Plaintiff in grave

1 risk of being sexually assaulted by the DOE PERPETRATOR. By knowingly subjecting Plaintiff  
2 to such foreseeable danger, Defendants DOE 1, and DOES 1 through 500, inclusive, were duty-  
3 bound to take reasonable steps and implement reasonable safeguards to protect Plaintiff from the  
4 DOE PERPETRATOR. Furthermore, as alleged herein, Defendants DOE 1, and DOES 1 through  
5 500, inclusive, at all times exercised a sufficient degree of control over the DOE PERPETRATOR's  
6 personal and business affairs to prevent the acts of assault by keeping the DOE PERPETRATOR  
7 away from Plaintiffs. However, Defendants DOE 1, and DOES 1 through 500, inclusive, failed to  
8 take any reasonable steps or implement any reasonable safeguards for Plaintiff's protection  
9 whatsoever, and continued to make Plaintiff accessible to the DOE PERPETRATOR for the  
10 purposes of sexual assault.

11 **NEGLIGENCE PER SE—PENAL CODE MANDATORY CHILD ABUSE REPORTING**

12 66. Under the Child Abuse and Neglect Reporting Act ("CANRA"), RELIGIOUS  
13 ENTITY DEFENDANTS and DOES 1 through 500, inclusive, by and through their agents,  
14 servants, volunteers, and/or employees, including priests, were child care custodians and were  
15 under a statutory duty to report known or suspected incidents of sexual molestation or abuse of  
16 minors to a child protective agency, pursuant to California *Penal Code* § 11166, and/or not to  
17 impede the filing of any such report. Furthermore, RELIGIOUS ENTITY DEFENDANTS and  
18 DOES 1 through 500 were under a statutory duty to provide their employees with various  
19 acknowledgements of reporting requirements under *Penal Code* §11166.5.

20 67. Defendants RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500,  
21 inclusive, knew or should have known that their agent, employee, counselor, advisor and mentor,  
22 the DOE PERPETRATOR, had sexually molested, abused or caused touching, battery, harm, and  
23 other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under  
24 California *Penal Code* §11166.

25 68. Defendants RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500,  
26 inclusive, knew, or should have known of in the exercise of reasonable diligence, that an undue risk  
27 to minors, including the Plaintiff, existed because Defendants DOE 1 did not comply with  
28 California's mandatory reporting requirements.

1           69. By failing to report the continuing molestations and assaults, which RELIGIOUS  
2 ENTITY DEFENDANTS and DOES 1 through 500, inclusive, knew of or should have known of,  
3 and by ignoring the fulfillment of the mandated compliance with the reporting requirements  
4 provided under California *Penal Code* § 11166, Defendants DOE 1 and DOES 1 through 500,  
5 inclusive, created the risk and danger contemplated by CANRA, and as a result, unreasonably and  
6 wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

7           70. The Plaintiff was a member of the class of persons for whose protection California  
8 *Penal Code* § 11166 was specifically adopted to protect.

9           71. Had RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500, inclusive,  
10 adequately reported the molestation of Plaintiff and other minors as required by California *Penal*  
11 *Code* § 11166, further harm to Plaintiff and other minors would have been avoided.

12           72. As a proximate result of RELIGIOUS ENTITY DEFENDANTS and DOES 1  
13 through 500's, inclusive, failure to follow the mandatory reporting requirements of California *Penal*  
14 *Code* § 11166, Defendants DOE 1, and DOES 1 through 500, inclusive, wrongfully denied the  
15 Plaintiff and other minors the intervention of child protection services. Such public agencies would  
16 have changed the then-existing arrangements and conditions that provided the access and  
17 opportunities for the molestation of Plaintiffs by the DOE PERPETRATOR.

18           73. The physical, mental, and emotional damages and injuries resulting from the sexual  
19 molestation of Plaintiff by the DOE PERPETRATOR, were the type of occurrence and injuries that  
20 the CANRA was designed to prevent.

21           74. As a result, RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500's,  
22 inclusive, failure to comply with the mandatory reporting requirements of California *Penal Code* §  
23 11166 also constituted a *per se* breach of Defendants' DOE 1, and DOES 1 through 500's, inclusive  
24 duties to Plaintiff.

25           75. As a direct and proximate result of the failure of Defendants DOE 1 and DOES 1  
26 through 500, inclusive, to protect Plaintiff from the acts of childhood sexual assault to which they  
27 were subjected to by the DOE PERPETRATOR, Plaintiff has suffered the physical injury of sexual  
28 assault and has suffered and will continue to suffer severe mental and emotional distress including,

1 but not limited to, great pain of mind and body, shock, emotional distress, physical manifestations  
2 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
3 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be  
4 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss  
5 of earnings and earning capacity, and have incurred and will continue to incur expenses for medical  
6 and psychological treatment, therapy, and counseling; and loss of past and future earnings and other  
7 economic benefits according to proof at the time of trial.

8 **FOURTH CAUSE OF ACTION**  
9 **NEGLIGENT SUPERVISION**  
10 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
11 **RELIGIOUS ORDER, and DOES 1 through 500)**

12 76. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
13 paragraphs, as though fully set forth herein.

14 77. By virtue of Plaintiff's special relationship with DEFENDANT RELIGIOUS  
15 ENTITIES and DOES 1 through 500, inclusive, and DEFENDANT RELIGIOUS ENTITIES and  
16 DOES 1 through 500's, inclusive, relation to the DOE PERPETRATOR, Defendants DOE 1 and  
17 DOES 1 through 500, inclusive, owed Plaintiff a duty to provide reasonable supervision of the  
18 Plaintiff, to provide reasonable supervision of the DOE PERPETRATOR, to use reasonable care  
19 in investigating the DOE PERPETRATOR's background, and to provide adequate warning to the  
20 Plaintiff, their families, and other children, of the DOE PERPETRATOR's dangerous propensities  
21 and unfitness. Said Defendants, and each of them, further owed Plaintiff a duty to protect against  
22 the foreseeable risk of sexual assaults committed upon children, including Plaintiff, during or  
23 arising out of those activities sponsored and controlled by Defendants in which Plaintiff was a  
24 participant.

25 78. Plaintiff is informed and believe, and on that basis allege, that DEFENDANT  
26 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, by and through their respective  
27 agents, servants and employees, knew or should have known of the DOE PERPETRATOR's  
28 dangerous and exploitive propensities and/or that the DOE PERPETRATOR was an unfit agent.  
Despite such knowledge, DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,



1 inclusive, negligently failed to supervise the DOE PERPETRATOR in his position of trust and  
2 authority as an authority figure and supervisor of children, where they were able to commit  
3 wrongful acts against the Plaintiff. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through  
4 500, inclusive, failed to provide reasonable supervision of the DOE PERPETRATOR, failed to use  
5 reasonable care in investigating the DOE PERPETRATOR and failed to provide adequate warning  
6 to Plaintiff of the DOE PERPETRATOR's dangerous propensities and unfitness. DEFENDANT  
7 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, further failed to take reasonable  
8 measures to prevent sexual assault, harassment, and molestation of children, including Plaintiff.

9 79. Plaintiff is informed and believe, and on that basis allege, that DEFENDANT  
10 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were put on notice, and knew or  
11 should have known, that the DOE PERPETRATOR had previously engaged and was continuing to  
12 engage in unlawful sexual conduct with children and committed other felonies, for his own personal  
13 gratification, and that it was, or should have been foreseeable that he was engaging, or would  
14 engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,  
15 confidence, and trust, bestowed upon him through DEFENDANT RELIGIOUS ENTITIES and  
16 DOES 1 through 500, inclusive, and each of them.

17 80. Plaintiff is informed and believe, and on that basis alleges, that DEFENDANT  
18 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were placed on actual or constructive  
19 notice that, the DOE PERPETRATOR had assaulted children prior to, and/or during the time he  
20 was in contact with the Plaintiffs. Plaintiff is informed, and thereon alleges, that DEFENDANT  
21 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were informed of sexual assault,  
22 harassment and molestations committed by the DOE PERPETRATOR or of conduct that would  
23 put a reasonable person on notice of such propensity to assault, harassment and molestation.

24 81. Even though DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,  
25 inclusive, knew or should have known of these activities by the DOE PERPETRATOR,  
26 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, did nothing to  
27 investigate, supervise or monitor the DOE PERPETRATOR to ensure the safety of the guests.  
28



1           82. As an institution entrusted with the care of minors, where staff, employees, agents,  
2 and management, such as the DOE PERPETRATOR were placed in contact with minors,  
3 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's expressly and implicitly  
4 represented that these individuals, including the DOE PERPETRATOR, were not a sexual threat  
5 to children and others who would fall under the DOE PERPETRATOR 's influence, control,  
6 direction, and guidance.

7           83. Defendants DOE 1, and DOES 1 through 500, inclusive, negligently failed to  
8 supervise the DOE PERPETRATOR in his positions of trust and authority as an employee, agent,  
9 counselor and mentor, and/or other authority figure, where the DOE PERPETRATOR was able to  
10 commit wrongful acts against the Plaintiff. Defendants DOE 1, and DOES 1 through 500, inclusive,  
11 failed to provide reasonable supervision of the DOE PERPETRATOR. Defendants DOE 1 and  
12 DOES 1 through 500 further failed to take reasonable measures to prevent sexual harassment,  
13 molestation and assault of minors, including the Plaintiff.

14           84. At no time during the periods of time alleged did DEFENDANT RELIGIOUS  
15 ENTITIES and DOES 1 through 500, inclusive, have in place a system or procedure to reasonably  
16 investigate, supervise and monitor individuals in contact with minor children, including the DOE  
17 PERPETRATOR, to prevent pre-sexual grooming and sexual harassment, molestation and assault  
18 of children, nor did they implement a system or procedure to oversee or monitor conduct toward  
19 minors, students and others in DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's  
20 care.

21           85. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were  
22 or should have known to be aware and understand how vulnerable children were to sexual  
23 harassment, molestation and assault by mentors, advisors, and other persons of authority within  
24 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive.

25           86. Defendants DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's,  
26 inclusive, conduct was a breach of their duties to the Plaintiff.

27           87. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,  
28 breached their duty to the Plaintiff by, *inter alia*, failing to adequately monitor and supervise the

1 DOE PERPETRATOR and stopping the DOE PERPETRATOR from committing wrongful sexual  
2 acts with minors including the Plaintiff. This belief is founded on the fact that employees and staff  
3 of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, including had  
4 suspected the assault was occurring at the time, and failed to investigate into the matter further.  
5 Based on these facts, DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,  
6 knew or should have known of the DOE PERPETRATOR 's incapacity to supervise and stop  
7 employees of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive from  
8 committing wrongful sexual acts with minors.

9 88. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS  
10 ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer  
11 the physical injury of childhood sexual assault, severe mental and emotional distress including, but  
12 not limited to, great pain of mind and body, shock, emotional distress, physical manifestations of  
13 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
14 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be  
15 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss  
16 of earnings and earning capacity, and have incurred and will continue to incur expenses for medical  
17 and psychological treatment, therapy, and counseling; and loss of past and future earnings and other  
18 economic benefits according to proof at the time of trial.

19 **FIFTH CAUSE OF ACTION**  
20 **NEGLIGENT RETENTION/HIRING**  
**(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
**RELIGIOUS ORDER, and DOES 1 through 500)**

21 89. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
22 paragraphs, as though fully set forth herein.

23 90. By virtue of Plaintiff's special relationship with Defendants, inclusive and each of  
24 them, and DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, relation  
25 to the DOE PERPETRATOR, DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,  
26 inclusive, owed Plaintiff a duty to not hire and/or retain the DOE PERPETRATOR, given his  
27 dangerous and exploitive propensities, which DEFENDANT RELIGIOUS ENTITIES and DOES  
28

1 1 through 500, inclusive, knew or should have known had they engaged in a meaningful and  
2 adequate investigation of his background prior to his hiring.

3 91. As an institution entrusted with the care of minors, where staff, employees, agents,  
4 and management, such as the DOE PERPETRATOR was placed in contact with minors,  
5 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, expressly and  
6 implicitly represented that these individuals, including the DOE PERPETRATOR, were not a  
7 sexual threat to children and others who would fall under the DOE PERPETRATOR 's influence,  
8 control, direction, and guidance.

9 92. Plaintiff is informed and believe, and on that basis allege, that at no time during the  
10 periods of time alleged did DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's,  
11 inclusive, have in place a system or procedure to reasonably investigate, supervise and/or monitor  
12 those individuals in direct contact with children, including the DOE PERPETRATOR, to prevent  
13 pre-sexual grooming and/or sexual harassment, molestation and assault of parishioners, nor did  
14 they implement a system or procedure to oversee or monitor conduct toward patrons and others in  
15 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, care.

16 93. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, and  
17 each of them were or should have been aware and understood how vulnerable minor children were  
18 to sexual assault, harassment and molestation by persons of authority, including the DOE  
19 PERPETRATOR, within the control of DEFENDANT RELIGIOUS ENTITIES and DOES 1  
20 through 500, inclusive.

21 94. Plaintiffs are informed and believe, and on that basis allege, other children and/or  
22 employees of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,  
23 complained of the DOE PERPETRATOR's sexual improprieties prior to the sexual assault of the  
24 Plaintiff. Either DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,  
25 knew, or at the very least should have known of the DOE PERPETRATOR's prior history of sexual  
26 misconduct with minors prior to Plaintiff's assaults.

27 95. Plaintiff is informed, and believes, and on that basis alleges, that the DEFENDANT  
28 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were put on notice, and should have

1 known that the DOE PERPETRATOR had previously engaged and continued to engage in unlawful  
2 sexual conduct with patrons and other felonies, for his own personal gratification, and that it was,  
3 or should have been foreseeable that he was engaging, or would engage in illicit sexual activities  
4 with Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed upon  
5 him through DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive.

6 96. Plaintiff is informed and believes, and on that basis alleges that DEFENDANT  
7 RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, were placed on actual and/or  
8 constructive notice that the DOE PERPETRATOR had abused, harassed, molested and/or was  
9 molesting minor children, both before his sexual assault, molestation and harassment of the  
10 Plaintiff, and during that same period. Plaintiff is informed, and thereon alleges, that other third  
11 parties, patrons, and/or law enforcement officials informed DEFENDANT RELIGIOUS  
12 ENTITIES and DOES 1 through 500, inclusive, of inappropriate conduct and molestations  
13 committed by the DOE PERPETRATOR.

14 97. Even though DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,  
15 inclusive, knew or should have known of these activities by the DOE PERPETRATOR, Plaintiff is  
16 informed that DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, failed  
17 to use reasonable care in investigating the DOE PERPETRATOR and did nothing to investigate,  
18 supervise or monitor the DOE PERPETRATOR to ensure the safety of the other minor children in  
19 his charge, including the Plaintiff.

20 98. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,  
21 conduct was a breach of their duties to the Plaintiff.

22 99. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS  
23 ENTITIES and DOES 1 through 500, inclusive, Plaintiffs have suffered and will continue to suffer  
24 the physical injury of sexual assault, and severe mental and emotional distress including, but not  
25 limited to, great pain of mind and body, shock, emotional distress, physical manifestations of  
26 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
27 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be  
28 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss

1 of earnings and earning capacity, and have incurred and will continue to incur expenses for medical  
2 and psychological treatment, therapy, and counseling; and loss of past and future earnings and other  
3 economic benefits according to proof at the time of trial.

4 **SIXTH CAUSE OF ACTION**  
5 **NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE**  
6 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
7 **RELIGIOUS ORDER, and DOES 1 through 500)**

8 100. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
9 paragraphs, as though fully set forth herein.

10 101. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive owed  
11 Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor children  
12 in their charge from the risk of sexual assault, harassment and molestation by the DOE  
13 PERPETRATOR by properly warning, training or educating the Plaintiff and other minors about  
14 how to avoid such a risk.

15 102. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,  
16 breached their duty to take reasonable protective measures to protect Plaintiff and other minor  
17 children in their charge, from the risk of sexual assault, harassment and molestation by the DOE  
18 PERPETRATOR such as the failure to properly warn, train or educate Plaintiff and other minor  
19 children in their charge about how to avoid such a risk.

20 103. Defendants breached their duty to take reasonable protective measures to protect  
21 Plaintiff and other minor children in their charge from the risk of sexual harassment, molestation  
22 and assault by the DOE PERPETRATOR, by failing to supervising and/or stop employees of  
23 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, including the DOE  
24 PERPETRATOR from committing wrongful sexual acts with minor children, including Plaintiff.

25 104. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS  
26 ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer  
27 severe mental and emotional distress including, but not limited to, great pain of mind and body,  
28 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of  
self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to

1 suffer and were prevented and will continue to be prevented from performing daily activities and  
2 obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have  
3 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
4 counseling; and loss of past and future earnings and other economic benefits according to proof at  
5 the time of trial.

6 **SEVENTH CAUSE OF ACTION**  
7 **BREACH OF FIDUCIARY DUTY**  
8 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
9 **RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

10 105. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
11 paragraphs, as though fully set forth herein.

12 106. As set forth more fully above, DEFENDANT RELIGIOUS ENTITIES and DOES  
13 1 through 500, inclusive, in concert with the DOE PERPETRATOR, recruited, enticed, and  
14 encouraged Plaintiff and Plaintiff's family to give their trust and confidence to Defendants and the  
15 DOE PERPETRATOR so that Plaintiffs could be taken from their family's care and supervision  
16 and placed under the care and supervision of Defendants and the DOE PERPETRATOR. In so  
17 doing, Defendants, inclusive, entered into a fiduciary relationship with Plaintiff whereby  
18 Defendants owed Plaintiff an *in loco parentis* duty of care to take all reasonable steps and  
19 implement all reasonable safeguards to protect Plaintiff while they were in the custody of  
20 Defendants and/or the DOE PERPETRATOR.

21 107. The Plaintiff and other children involved in activities under the control and  
22 supervision of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, agreed to place  
23 their trust and confidence in Defendants, inclusive, in the expectation that Defendants would  
24 properly supervise Plaintiff and other children similarly placed, regulate their activities and  
25 behavior, and ensure their safety. Further, Plaintiff, the Plaintiff's family and other children  
26 agreed to this because they believed in the integrity of Defendants, inclusive, and therefore felt  
27 comfortable in entrusting the minor Plaintiff to the care and custody of Defendants.

28 108. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,  
breached their duty to Plaintiff by failing to take any reasonable steps or implement any reasonable

1 safeguards to protect Plaintiff from the DOE PERPETRATOR and by allowing Plaintiff to be  
2 sexually assaulted by the DOE PERPETRATOR.

3 109. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS  
4 ENTITIES and DOES 1 through 500, Plaintiff has suffered and will continue to suffer the physical  
5 injury of sexual assault, severe mental and emotional distress including, but not limited to, great  
6 pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,  
7 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have  
8 suffered and continue to suffer and were prevented and will continue to be prevented from  
9 performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings  
10 and earning capacity, and have incurred and will continue to incur expenses for medical and  
11 psychological treatment, therapy, and counseling; and loss of past and future earnings and other  
12 economic benefits according to proof at the time of trial.

13 110. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff  
14 reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure*  
15 §425.14.

16 **EIGHTH CAUSE OF ACTION**  
17 **CONSTRUCTIVE FRAUD (CIVIL CODE §1573)**  
**(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
**RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

18 111. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
19 paragraphs, as though fully set forth herein.

20 112. By holding the DOE PERPETRATOR out as an agent of Defendants, and by  
21 allowing him to undertake the educational, religious, and social instruction and accompanying  
22 custody and control of minor children such as Plaintiff, Defendants entered into a confidential,  
23 fiduciary and special relationship with Plaintiff.

24 113. By holding themselves out as qualified institutions for the safety and supervision of  
25 children, and by undertaking to provide for the wellness, spiritual guidance and mentorship of  
26 Plaintiff and other minors, Defendants entered into a confidential, fiduciary and special relationship  
27 with Plaintiff.  
28



1 114. Defendants breached their confidential, fiduciary duty and special duties to  
2 Plaintiffs by the wrongful and negligent conduct described above and incorporated into this cause  
3 of action, and in so doing, gained an advantage over Plaintiffs in matters relating to Plaintiffs'  
4 safety, security and health. In breaching such duties as alleged, Defendants were able to sustain  
5 their status as institutions of high moral repute, and preserve their reputation, all at the expense of  
6 Plaintiffs' further injury and in violation of Defendants' mandatory duties.

7 115. By virtue of their confidential, fiduciary and special relationship with Plaintiff,  
8 Defendants owed Plaintiff a duty to:

- 9 a. Investigate or otherwise confirm or deny such claims of sexual assault;
- 10 b. Reveal such facts to Plaintiff, Plaintiff's families and caretakers, the  
community at large, and law enforcement agencies;
- 11 c. Refuse to place the DOE PERPETRATOR and other molesters in positions  
of trust and authority within Defendants' institutions;
- 12 d. Refuse to hold out the DOE PERPETRATOR and other molesters to the  
13 public, the community, minors, parents and law enforcement agencies as  
being in good standing and, trustworthy in keeping with his and their  
14 position as a teacher, counselor, spiritual advisor, managing administrator  
and authority figure;
- 15 e. Refuse to assign the DOE PERPETRATOR and other molesters to positions  
of power within the Defendants' institutions and over minors; and
- 16 f. Disclose to Plaintiff, their families, the public, the Defendants' community,  
17 minors, and law enforcement agencies the wrongful, tortious, and sexually  
exploitive acts that DOE PERPETRATOR had engaged in with children;

18 116. Defendants' breach of their respective duties included:

- 19 a. Not making reasonable investigations of the DOE PERPETRATOR;
- 20 b. Issuing no warnings about the DOE PERPETRATOR;
- 21 c. Permitting the DOE PERPETRATOR to routinely be alone with and in  
control of minors, unsupervised;
- 22 d. Not adopting a policy to prevent the DOE PERPETRATOR from routinely  
having minors in his unsupervised control;
- 23 e. Making no reports of any allegations of the DOE PERPETRATOR's assault  
of minors prior to or during his employment at Defendants; and
- 24 f. Assigning and continuing to assign the DOE PERPETRATOR to duties  
25 which placed him in positions of authority and trust over minors, positions  
in which the DOE PERPETRATOR could easily isolate and sexually  
26 assault minors.

27 117. At the time that Defendants engaged in such suppression and concealment of acts,  
28 such acts were done for the purpose of causing Plaintiff to forbear on their rights.



1           118. Defendants' misconduct did reasonably cause Plaintiff to forbear on their rights.

2           119. The misrepresentations, suppressions and concealment of facts by Defendants were  
3 intended to and were likely to mislead Plaintiff and others to believe that Defendants had no  
4 knowledge of any charges against the DOE PERPETRATOR, or that there were no other charges  
5 of unlawful or sexual misconduct against the DOE PERPETRATOR or others and that there was  
6 no need for them to take further action or precaution.

7           120. The misrepresentations, suppressions and concealment of facts by Defendants was  
8 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that  
9 the DOE PERPETRATOR was a molester and was known to commit wrongful sexual acts with  
10 minors, including Plaintiff.

11           121. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 knew or should  
12 have known at the time they suppressed and concealed the true facts regarding others' sexual  
13 molestations, that the resulting impressions were misleading.

14           122. DEFENDANT RELIGIOUS ENTITIES suppressed and concealed the true facts  
15 regarding the DOE PERPETRATOR with the purpose of: preventing Plaintiff, Plaintiff's parents  
16 and family, and others, from learning that the DOE PERPETRATOR and others had been and were  
17 continuing to sexually harass, molest and assault minors and others under the DOE  
18 PERPETRATOR's and Defendants' control, direction, and guidance, with complete impunity;  
19 inducing people, including Plaintiff and other benefactors and donors to participate and financially  
20 support Defendants' and other enterprises of Defendants; preventing further reports and outside  
21 investigations into the DOE PERPETRATOR's and Defendants' conduct; preventing discovery of  
22 Defendants' own conduct; avoiding damage to the reputations of Defendants; protecting  
23 Defendants' power and status in the community and the academic community; avoiding damage to  
24 the reputation of Defendants, or Defendants' institutions; and avoiding the civil and criminal  
25 liability of Defendants, of the DOE PERPETRATOR, and of others.

26           123. At all times mentioned herein, Defendants, and in particular the DOE  
27 PERPETRATOR and DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, with  
28 knowledge of the tortious nature of their own and the DOE PERPETRATOR's conduct, knowingly

1 conspired and gave each other substantial assistance to perpetrate the misrepresentations, fraud and  
2 deceit alleged herein—covering up the past allegations of sexual misconduct lodged against the  
3 DOE PERPETRATOR, and allowing the DOE PERPETRATOR to remain in his position as a  
4 mentor, spiritual leader, and supervisor of children, so they could maintain their reputations and  
5 continue to make a profit.

6 124. Plaintiff and others were misled by Defendants' suppressions and concealment of  
7 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by  
8 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were no  
9 allegations of criminal or sexual assault against the DOE PERPETRATOR and that he was safe to  
10 be around children. Had Plaintiff and their families, and others, known the true facts about the DOE  
11 PERPETRATOR, they would have not participated further in activities of DEFENDANT  
12 RELIGIOUS ENTITIES and DOES 1 through 500, or continued to financially support Defendants'  
13 activities. They would have reported the matters to the proper authorities, to other minors and their  
14 parents so as to prevent future recurrences; they would not have allowed children, including  
15 Plaintiff, to be alone with, or have any relationship with the DOE PERPETRATOR; they would  
16 not have allowed children, including Plaintiff, to attend or be under the control of Defendants; they  
17 would have undertaken their own investigations which would have led to discovery of the true  
18 facts; and they would have sought psychological counseling for Plaintiff, and for other children  
19 molested and assaulted by the DOE PERPETRATOR.

20 125. By giving the DOE PERPETRATOR the position of spiritual guide, priest,  
21 confidant, and trusted individual, Defendants impliedly represented that the DOE PERPETRATOR  
22 was safe and morally fit to give children direction and guidance.

23 126. When Defendants made these affirmative or implied representations and non-  
24 disclosures of material facts, Defendants knew or should have known that the facts were otherwise.  
25 Defendants knowingly and intentionally suppressed the material facts that the DOE  
26 PERPETRATOR had on numerous, prior occasions sexually, physically, and mentally assaulted  
27 minors of Defendants, including Plaintiff, and knew of or learned of conduct, or should have known  
28 of conduct by the DOE PERPETRATOR which placed Defendants on notice that the DOE

1 PERPETRATOR had previously been suspected of felonies, including unlawful sexual conduct  
2 with minors, and was likely abusing children.

3 127. Because of Plaintiff's young age, and because of the status of the DOE  
4 PERPETRATOR as an authority figure to Plaintiff, Plaintiff was vulnerable to the DOE  
5 PERPETRATOR. The DOE PERPETRATOR sought Plaintiff out and was empowered by and  
6 accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively  
7 protecting themselves from the sexual advances of the DOE PERPETRATOR.

8 128. Defendants had the duty to obtain and disclose information relating to sexual  
9 misconduct of the DOE PERPETRATOR.

10 129. Defendants misrepresented, concealed or failed to disclose information relating to  
11 sexual misconduct of the DOE PERPETRATOR.

12 130. Defendants knew that they had misrepresented, concealed or failed to disclose  
13 information related to sexual misconduct of the DOE PERPETRATOR.

14 131. Plaintiff justifiably relied upon Defendants for information relating to sexual  
15 misconduct of the DOE PERPETRATOR.

16 132. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, and the DOE  
17 PERPETRATOR, in concert with each other and with the intent to conceal and defraud, conspired  
18 and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose  
19 information relating to the sexual misconduct of the DOE PERPETRATOR, the inability of  
20 Defendants to supervise or stop the DOE PERPETRATOR from sexually harassing, molesting and  
21 abusing Plaintiff, and their own failure to properly investigate, supervise and monitor his conduct  
22 with minor children.

23 133. By so concealing, Defendants committed at least one act in furtherance of the  
24 conspiracy.

25 134. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS  
26 ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer  
27 the physical injury of sexual assault, severe mental and emotional distress including, but not limited  
28 to, great pain of mind and body, shock, emotional distress, physical manifestations of emotional

1 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;  
2 have suffered and continue to suffer and were prevented and will continue to be prevented from  
3 performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings  
4 and earning capacity, and have incurred and will continue to incur expenses for medical and  
5 psychological treatment, therapy, and counseling; and loss of past and future earnings and other  
6 economic benefits according to proof at the time of trial.

7 135. In addition, when Plaintiff finally discovered the fraud of Defendants, and  
8 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition,  
9 when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff  
10 experienced extreme and severe mental anguish and emotional distress that Plaintiff had been the  
11 victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested  
12 because of the fraud, and that Plaintiff had not been able because of the fraud to receive timely  
13 medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as  
14 a result of the sexual harassment, molestation and assault.

15 136. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff  
16 reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure*  
17 §425.14.

18 **NINTH CAUSE OF ACTION**  
19 **SEXUAL HARASSMENT (CIVIL CODE §51.9)**  
20 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**  
21 **RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

22 137. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
23 paragraphs, as though fully set forth herein.

24 138. During Plaintiff's time as a minor at DEFENDANT RELIGIOUS ENTITIES and  
25 DOES 1 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly made  
26 sexual advances, solicitations, requests, demands for sexual compliance of a hostile nature based  
27 on Plaintiff's gender that were unwelcome, pervasive and severe, including but not limited to the  
28 DOE PERPETRATOR, all under the supervision of Defendants, who were acting in the course and

1 scope of their agency with Defendants and each of them. The sexual harassment of each Plaintiff  
2 is detailed *supra*.

3 139. The incidents of assault outlined herein above took place while Plaintiff was under  
4 the control of Defendants, as well as the staff of DEFENDANT RELIGIOUS ENTITIES and DOES  
5 1 through 500, in their capacity and position as teachers, spiritual advisors, counselors, mentors,  
6 supervisors and administrators at DEFENDANT RELIGIOUS ENTITIES and DOES 1 through  
7 500 and while acting specifically on behalf of Defendants.

8 140. During Plaintiff's time as a minor at DEFENDANT RELIGIOUS ENTITIES and  
9 DOES 1 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly did acts  
10 which resulted in harmful and offensive contact with intimate parts of Plaintiff's persons, including  
11 but not limited to, using his position of authority and age to force Plaintiff to give into the DOE  
12 PERPETRATOR's sexual suggestions.

13 141. Because of Plaintiff's relationship with DEFENDANT RELIGIOUS ENTITIES and  
14 DOES 1 through 500, the DOE PERPETRATOR, and Plaintiff's young age as a minor, Plaintiff  
15 was unable to easily terminate the relationship held with the Defendants.

16 142. Because of the DOE PERPETRATOR's age and position of authority, physical  
17 seclusion of the Plaintiff, Plaintiff's mental and emotional state, and Plaintiff's young age under  
18 the age of consent, Plaintiff was unable to, and did not, give meaningful consent to such acts.

19 143. Even though the Defendants knew or should have known of these activities by the  
20 DOE PERPETRATOR, Defendants did nothing to investigate, supervise or monitor the DOE  
21 PERPETRATOR to ensure the safety of the minor children.

22 144. Because of Plaintiff's relationship with Defendants, as a minor child, parishioner,  
23 student and/or altar server with DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,  
24 and Plaintiff's young age as a minor child, Plaintiff was unable to easily terminate the priest-  
25 parishioner relationship with the DOE PERPETRATOR, DEFENDANT RELIGIOUS ENTITIES  
26 and DOES 1 through 500.

27 145. A corporation is a "person" within meaning of *Civil Code* section 51.9, which  
28 subjects persons to liability for sexual harassment within a business, service or professional

1 relationship, and such an entity defendant may be held liable under this statute for the acts of its  
2 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of  
3 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is  
4 alleged to have occurred herein.

5 146. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 ratified the  
6 sexual misconduct of the DOE PERPETRATOR.

7 147. Defendants' conduct (and the conduct of their agents) was a breach of their duties to  
8 Plaintiff.

9 148. As a direct and proximate result of the failures of Defendants, inclusive, Plaintiff  
10 has suffered and will continue to suffer the physical injury of sexual assault, severe mental and  
11 emotional distress including, but not limited to, great pain of mind and body, shock, emotional  
12 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,  
13 disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were  
14 prevented and will continue to be prevented from performing daily activities and obtaining the full  
15 enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and will  
16 continue to incur expenses for medical and psychological treatment, therapy, and counseling; and  
17 loss of past and future earnings and other economic benefits according to proof at the time of trial.

18 149. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff  
19 reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive  
20 Damages, pursuant to *Code of Civil Procedure* §425.14.

21 150. Plaintiff seeks attorneys' fees pursuant to *Civil Code* §52, with respect to their claim  
22 being made under §51.9, as an available remedy.

23 **TENTH CAUSE OF ACTION**

**Fraudulent Transfer**

24 **(Against Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE,**  
25 **Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER,**  
**and Defendant DOES 1 through 500)**

26 151. Plaintiff(s) repeats, re-alleges and incorporates herein by reference all prior  
27 paragraphs, as though fully set forth herein.  
28

1           152. During the period of time when Defendant DOE ARCHDIOCESE, Defendant DOE  
2 DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant  
3 DOES 1 through 500, committed acts of misconduct resulting in Defendant PERPETRATOR's  
4 childhood sexual assault of Plaintiff(s), Defendant DOE ARCHDIOCESE, Defendant DOE  
5 DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant  
6 DOES 1 through 500, owned, operated and or controlled financial assets.

7           153. After the period of time when Defendant DOE ARCHDIOCESE, Defendant DOE  
8 DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant  
9 DOES 1 through 500 committed acts of misconduct resulting in Defendant PERPETRATOR's  
10 childhood sexual assault of Plaintiff(s), Defendant DOE ARCHDIOCESE, Defendant DOE  
11 DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant  
12 DOES 1 through 500, transferred, (in whole and or in part), interests in financial assets ("Transfer  
13 of Asset(s)").

14           154. Plaintiff(s) is informed and believes that Defendant DOE ARCHDIOCESE,  
15 Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and  
16 Defendant DOES 1 through 500, did not receive reasonably equivalent value for the Transfer of  
17 Asset(s).

18           155. At the time of said Transfer of Asset(s), Defendant DOE ARCHDIOCESE,  
19 Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and  
20 Defendant DOES 1 through 500, knew that Plaintiff(s), as a survivor of childhood sexual assault  
21 committed by Defendant PERPETRATOR, was and is a creditor.

22           156. Notwithstanding this knowledge, Defendant DOE ARCHDIOCESE, Defendant  
23 DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant  
24 DOES 1 through 500 intentionally transferred the interests in financial assets with the actual intent  
25 to prevent Plaintiff(s) from collecting from said assets after the Transfer of Asset(s) was complete.

26           157. By reason of the foregoing, the Transfer of Asset(s) is voidable pursuant to  
27 California *Civil Code* §§ 3439.04(a)(1) and (2) and § 3439.05, and § 3439.07. Pursuant to  
28 California *Civil Code* § 3439.07, Plaintiff(s) request:



- a. a judgment avoiding the Transfer of Asset(s); and/or
- b. a money judgment against Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500 for the value of the Transfer of Asset(s).

158. The recipient(s) of said Transfer of Asset(s), is not yet known by Plaintiff(s). Plaintiff(s) will seek to amend the Complaint to allege their true names and capacities when such have been ascertained.

**ELEVENTH CAUSE OF ACTION**  
**SEXUAL BATTERY**  
**(Against Defendant DOE PERPETRATOR only)**

159. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

160. During Plaintiff's time at DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful and offensive contact with intimate parts of Plaintiff's person. Plaintiff was subjected to numerous instances of sexual assault by the DOE PERPETRATOR, during Plaintiff's time as a minor with DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500.

161. The DOE PERPETRATOR did the aforementioned acts with the intent to cause a harmful or offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate part of Plaintiff's person that would offend a reasonable sense of personal dignity.

162. Because of the DOE PERPETRATOR's position of authority over Plaintiff, and Plaintiff's mental and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to, and did not, give meaningful consent to such acts.

163. As a direct, legal, and proximate result of the acts of the DOE PERPETRATOR, Plaintiff sustained serious and permanent injuries to his person, all of his damage in an amount to be shown according to proof and within the jurisdiction of the Court.

164. As a direct result of the sexual battery by the DOE PERPETRATOR, Plaintiff has difficulty in reasonably or meaningfully interacting with others, including those in positions of



1 authority over Plaintiff including teachers, and supervisors, and in intimate, confidential and  
2 familial relationships, due to the trauma of childhood sexual assault inflicted upon him by  
3 Defendants. This inability to interact creates conflict with Plaintiff's values of trust and confidence  
4 in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness, anger and  
5 fear. As a direct result of the molestation by the DOE PERPETRATOR, Plaintiff has had issues  
6 with his personal life, such as issues with trust and control. These feelings have caused Plaintiff  
7 substantial emotional distress, guilt, anxiety, nervousness and fear.

8 165. In subjecting the Plaintiff to the wrongful treatment herein described, the DOE  
9 PERPETRATOR, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious  
10 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil Code*  
11 section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be  
12 determined by the court, against the DOE PERPETRATOR, in a sum to be shown according to  
13 proof.

14 **TWELFTH CAUSE OF ACTION**  
15 **SEXUAL ASSAULT**  
16 **(Against Defendant DOE PERPETRATOR only)**

17 166. Plaintiff re-alleges and incorporates by reference herein each and every allegation  
18 contained herein above as though fully set forth and brought in this cause of action.

19 167. The DOE PERPETRATOR, in doing the things herein alleged, including intending  
20 to subject Plaintiff to numerous instances of sexual abuse and molestation, intended to cause  
21 harmful or offensive contact with Plaintiff's person, or intended to put Plaintiff in imminent  
22 apprehension of such contact.

23 168. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a  
24 harmful or offensive contact by the DOE PERPETRATOR, and actually believed the DOE  
25 PERPETRATOR had the ability to make harmful or offensive contact with Plaintiff's person.

26 169. Plaintiff did not consent to the DOE PERPETRATOR intended harmful or offensive  
27 contact with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of such contact.  
28 Additionally, because Plaintiff was a minor during the time herein alleged, they lacked the ability  
to consent to sexual contact with any person.

1 170. In doing the things herein alleged, the DOE PERPETRATOR violated Plaintiff's  
2 right, pursuant to *Civil Code* section 43, of protection from bodily restraint or harm, and from  
3 personal insult. In doing the things herein alleged, the DOE PERPETRATOR violated his duty,  
4 pursuant to *Civil Code* section 1708, to abstain from injuring the person of Plaintiff or infringing  
5 upon his rights.

6 171. As a result of the above-described conduct, Plaintiff has suffered and continues to  
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
8 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment  
9 of life; has suffered and continues to suffer and was prevented and will continue to be prevented  
10 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of  
11 earnings and earning capacity, and/or has incurred and will continue to incur expenses for medical  
12 and psychological treatment, therapy, and counseling.

13 172. Plaintiff is informed and based thereon alleges that the conduct of the DOE  
14 PERPETRATOR was oppressive, malicious and despicable in that it was intentional and done in  
15 conscious disregard for the rights and safety of others, and were carried out with a conscious  
16 disregard of her right to be free from such tortious behavior, such as to constitute oppression, fraud  
17 or malice pursuant to California *Civil Code* section 3294, entitling Plaintiff to punitive damages  
18 against the DOE PERPETRATOR in an amount appropriate to punish and set an example of the  
19 DOE PERPETRATOR.

20 **THIRTEENTH CAUSE OF ACTION**  
21 **GENDER VIOLENCE (CIVIL CODE §52.4)**  
22 **(Against Defendant DOE PERPETRATOR only)**

23 173. Plaintiff re-alleges and incorporates by reference herein each and every allegation  
24 contained herein above as though fully set forth and brought in this cause of action.

25 174. The DOE PERPETRATOR's acts committed against Plaintiff, as alleged herein,  
26 including the sexual harassment, molestation and assault of the minor Plaintiff constitute gender  
27 violence and a form of sex discrimination in that one or more of Defendants' acts would constitute  
28 a criminal offense under state law that has an element the use, attempted use, or threatened use of  
physical force against the person of another, committed at least in part based on the gender of the

1 victim, whether or not those acts have resulted in criminal complaints, charges, prosecution, or  
2 convictions.

3 175. The DOE PERPETRATOR acts committed against Plaintiff, as alleged herein,  
4 including the sexual harassment, molestation and assault of the minor Plaintiff constitute gender  
5 violence and a form of sex discrimination in that the DOE PERPETRATOR conduct caused a  
6 physical intrusion or physical invasion of a sexual nature upon Plaintiff under coercive conditions,  
7 whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction.

8 176. As a proximate result of the DOE PERPETRATOR's acts, Plaintiff is entitled to  
9 actual damages, compensatory damages, punitive damages, injunctive relief, any combination of  
10 those, or any other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and  
11 costs pursuant to *Civil Code* § 52.4, against the DOE PERPETRATOR

12 **FOURTEENTH CAUSE OF ACTION**  
13 **VIOLATION OF *PENAL CODE* § 288(a)**  
14 **(Against Defendant DOE PERPETRATOR only)**

15 177. Plaintiff re-alleges and incorporates by reference herein each and every allegation  
16 contained herein above as though fully set forth and brought in this cause of action.

17 178. California *Penal Code* § 288(a) provides that "... a person who willfully and lewdly  
18 commits any lewd or lascivious act, including any of the acts constituting other crimes provided  
19 for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age  
20 of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
21 desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in  
22 the state prison for three, six, or eight years.."

23 179. The DOE PERPETRATOR engaged in lewd and lascivious acts with Plaintiff while  
24 Plaintiff was under eighteen years of age, in violation of California *Penal Code* § 288(a).

25 180. Under California law, victims of childhood sexual abuse are entitled to bring civil  
26 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts  
27 with minors, including *Penal Code* § 286(a)-(b)(1). *See Angie M. v. Superior Court*, (1995) 37  
28 Cal.App.4th 1217, 1224-1225.

181. The DOE PERPETRATOR's above-noted actions in engaging in lewd and

1 lascivious acts with the minor Plaintiff were the proximate and legal causes of physical,  
2 psychological, emotional, and economic damages Plaintiff has suffered and continues to suffer to  
3 this day. It also has resulted in Plaintiff incurring, and will require him to incur into the future,  
4 expenses for medical and psychological treatment, therapy, and counseling.

5 182. The above-described conduct of the DOE PERPETRATOR was oppressive,  
6 malicious and despicable in that it was intentional and done in conscious disregard for the rights  
7 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free  
8 from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California  
9 *Civil Code* section 3294, entitling Plaintiff to punitive damages against the DOE PERPETRATOR  
10 in an amount appropriate to punish and set an example of him.

11  
12 **FIFTEENTH CAUSE OF ACTION**  
13 **VIOLATION OF *PENAL CODE* § 647.6(a)(1)**  
**(Against Defendant DOE PERPETRATOR only)**

14 183. Plaintiff re-alleges and incorporates by reference herein each and every allegation  
15 contained herein above as though fully set forth and brought in this cause of action.

16 184. California *Penal Code* § 647.6(a)(1) provides that "[e]very person who annoys or  
17 molests any child under 18 years of age shall be punished by a fine not exceeding five thousand  
18 dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and  
19 imprisonment."

20 185. The DOE PERPETRATOR sexually molested and annoyed the Plaintiff while  
21 Plaintiff was under eighteen years of age, in violation of California *Penal Code* § 647.6(a)(1).

22 186. Under California law, victims of childhood sexual abuse are entitled to bring civil  
23 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts  
24 with minors, including *Penal Code* § 647.6(a)(1). *See Angie M. v. Superior Court*, (1995) 37  
25 Cal.App.4th 1217, 1224-1225.

26 187. The DOE PERPETRATOR's above-noted actions in annoying and molesting the  
27 minor Plaintiff were the proximate and legal causes of physical, psychological, emotional, and  
28 economic damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in

1 Plaintiff incurring, and will require him to incur into the future, expenses for medical and  
2 psychological treatment, therapy, and counseling.

3 188. The above-described conduct of the DOE PERPETRATOR was oppressive,  
4 malicious and despicable in that it was intentional and done in conscious disregard for the rights  
5 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free  
6 from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California  
7 *Civil Code* section 3294, entitling Plaintiff to punitive damages against the DOE PERPETRATOR  
8 in an amount appropriate to punish and set an example of him.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for Judgment against Defendants as follows:

- 11 1. For past, present and future general damages in an amount to be determined at  
12 trial;
- 13 2. For past, present and future special damages, including but not limited to past,  
14 present and future lost earnings, economic damages and others, in an amount to be  
15 determined at trial;
- 16 3. Any appropriate statutory damages, including attorneys' fees;
- 17 4. For costs of suit;
- 18 5. For pre- and post-judgment interest as allowed by law;
- 19 6. For attorney's fees pursuant to the aforementioned statutes and otherwise allowable  
20 by law:
  - 21 a. *California Code of Civil Procedure* § 1021.5;
  - 22 b. *California Code of Civil Procedure* § 1021.4 as to the DOE  
23 PERPETRATOR only;
  - 24 c. *California Civil Code* §52;
- 25 7. With regard to the Tenth Cause of Action for Fraudulent Transfer, Plaintiff(s)  
26 request:
  - 27 a. A judgment declaring that the Transfer of Asset(s) were void and invalid;
  - 28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

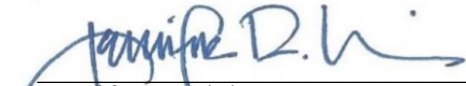
**DEMAND FOR JURY TRIAL**

A trial by jury is hereby demanded by Plaintiff.

Dated: May 23, 2023

**LIAKOS LAW, APC**

By:

  
\_\_\_\_\_  
Jennifer R. Liakos, Esq.  
Attorney for Plaintiff

# EXHIBIT A



JENNIFER R. LIAKOS, ESQ. (SBN #207487)  
LIAKOS LAW, APC  
955 Deep Valley Drive  
Suite 3900  
Palos Verdes Peninsula, CA 90274  
(310) 961-0066  
[Jenn@JennLiakosLaw.com](mailto:Jenn@JennLiakosLaw.com)

Attorney for Plaintiff LL John Doe JU

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF ALAMEDA**

LL JOHN DOE JU, individually,  
Plaintiff,

v.

DEFENDANT DOE ARCHDIOCESE;  
DEFENDANT DOE PARISH and  
DEFENDANT DOE SCHOOL (collectively  
referred to herein as "DEFENDANT DOE  
PARISH"), DEFENDANT DOES 1 through  
500, inclusive,  
Defendants.

NORTHERN CALIFORNIA CLERGY  
CASES

Case No.: 22CV023613  
JCCP 5108

Judge: Hon. Evelio Grillo  
Department: 21

**AMENDED NOTICE OF ADOPTION  
FORM**

**Plaintiff # 1548**

Alameda Superior Court  
Case No.

**COMES NOW, PLAINTIFF #1548**, who, pursuant to the Court's Case Management Order, hereby submits this *Amended* Notice of Adoption of the *Amended* Master Complaint filed in the above captioned case. Plaintiff incorporates by reference only those causes of action marked below in this Notice of Adoption Form. Plaintiff agrees to be bound by any rulings with respect to the pleadings. And adopts any and all amendments made to the Master Complaint.

Plaintiff hereby adopts the following causes of action as alleged in the Master Complaint:

1. First Cause of Action: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS

ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

2. Second Cause of Action: HUMAN TRAFFICKING (*CIVIL CODE* §52.5)(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

3. Third Cause of Action: NEGLIGENCE (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, and DOES 1 through 500) ☒

4. Fourth Cause of Action: NEGLIGENT SUPERVISION (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, and DOES 1 through 500) ☒

5. Fifth Cause of Action: NEGLIGENT RETENTION/HIRING (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, and DOES 1 through 500) ☒

6. Sixth Cause of Action: NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, and DOES 1 through 500) ☒

7. Seventh Cause of Action: BREACH OF FIDUCIARY DUTY (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

8. Eighth Cause of Action CONSTRUCTIVE FRAUD (*CIVIL CODE* § 1573) (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

9. Ninth Cause of Action: SEXUAL HARASSMENT (*CIVIL CODE* § 51.9) (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER,

DOE PERPETRATOR and DOES 1 through 500) ☒

10. Tenth Cause of Action: FRAUDULENT TRANSFER (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

11. Eleventh Cause of Action: SEXUAL BATTERY (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

12. Twelfth Cause of Action: SEXUAL ASSAULT (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☒

13. Thirteenth Cause of Action: GENDER VIOLENCE (*Civil Code* § 52.4) (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

14. Fourteenth Cause of Action: VIOLATION OF *PENAL CODE* § 288(a) (Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

15. Fifteenth Cause of Action: VIOLATION OF *PENAL CODE* § 647.6(a)(1) ((Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500) ☐

Plaintiff also hereby adopts the following paragraphs as alleged in the Master Complaint:

- |  |  |  |
|--|--|--|
| 1. <input checked="" type="checkbox"/> | 4. <input type="checkbox"/>            | 7. <input checked="" type="checkbox"/> |
| 2. <input type="checkbox"/>            | 5. <input type="checkbox"/>            | 8. <input checked="" type="checkbox"/> |
| 3. <input checked="" type="checkbox"/> | 6. <input checked="" type="checkbox"/> | 9. <input checked="" type="checkbox"/> |

1	10. <input checked="" type="checkbox"/>	g. <input checked="" type="checkbox"/>	38. <input checked="" type="checkbox"/>
2	11. <input checked="" type="checkbox"/>	h. <input checked="" type="checkbox"/>	39. <input checked="" type="checkbox"/>
3	12. <input type="checkbox"/>	i. <input checked="" type="checkbox"/>	40. <input checked="" type="checkbox"/>
4	13. <input type="checkbox"/>	j. <input checked="" type="checkbox"/>	41. <input type="checkbox"/>
5	14. <input checked="" type="checkbox"/>	k. <input checked="" type="checkbox"/>	42. <input checked="" type="checkbox"/>
6	15. <input checked="" type="checkbox"/>	l. <input checked="" type="checkbox"/>	43. <input checked="" type="checkbox"/>
7	16. <input type="checkbox"/>	m. <input checked="" type="checkbox"/>	44. <input checked="" type="checkbox"/>
8	17. <input type="checkbox"/>	30. <input checked="" type="checkbox"/>	45. <input checked="" type="checkbox"/>
9	18. <input type="checkbox"/>	a. <input checked="" type="checkbox"/>	46. <input type="checkbox"/>
10	19. <input type="checkbox"/>	b. <input type="checkbox"/>	47. <input type="checkbox"/>
11	20. <input checked="" type="checkbox"/>	31. <input checked="" type="checkbox"/>	48. <input type="checkbox"/>
12	21. <input checked="" type="checkbox"/>	a. <input checked="" type="checkbox"/>	49. <input type="checkbox"/>
13	22. <input checked="" type="checkbox"/>	b. <input checked="" type="checkbox"/>	50. <input type="checkbox"/>
14	23. <input checked="" type="checkbox"/>	32. <input checked="" type="checkbox"/>	51. <input type="checkbox"/>
15	24. <input checked="" type="checkbox"/>	33. <input checked="" type="checkbox"/>	52. <input type="checkbox"/>
16	25. <input checked="" type="checkbox"/>	34. <input checked="" type="checkbox"/>	53. <input type="checkbox"/>
17	26. <input checked="" type="checkbox"/>	35. <input checked="" type="checkbox"/>	54. <input type="checkbox"/>
18	27. <input checked="" type="checkbox"/>	36. <input checked="" type="checkbox"/>	55. <input type="checkbox"/>
19	28. <input checked="" type="checkbox"/>	a. <input checked="" type="checkbox"/>	56. <input type="checkbox"/>
20	29. <input checked="" type="checkbox"/>	b. <input checked="" type="checkbox"/>	a. <input type="checkbox"/>
21	a. <input checked="" type="checkbox"/>	c. <input checked="" type="checkbox"/>	b. <input type="checkbox"/>
22	b. <input checked="" type="checkbox"/>	d. <input checked="" type="checkbox"/>	c. <input type="checkbox"/>
23	c. <input checked="" type="checkbox"/>	e. <input checked="" type="checkbox"/>	d. <input type="checkbox"/>
24	d. <input checked="" type="checkbox"/>	f. <input checked="" type="checkbox"/>	57. <input type="checkbox"/>
25	e. <input type="checkbox"/>	g. <input checked="" type="checkbox"/>	58. <input type="checkbox"/>
26	f. <input checked="" type="checkbox"/>	37. <input checked="" type="checkbox"/>	59. <input type="checkbox"/>
27			
28			

1	60. <input type="checkbox"/>	86. <input checked="" type="checkbox"/>	112. <input type="checkbox"/>
2	61. <input type="checkbox"/>	87. <input type="checkbox"/>	113. <input type="checkbox"/>
3	62. <input type="checkbox"/>	88. <input checked="" type="checkbox"/>	114. <input type="checkbox"/>
4	63. <input checked="" type="checkbox"/>	89. <input checked="" type="checkbox"/>	115. <input type="checkbox"/>
5	64. <input checked="" type="checkbox"/>	90. <input checked="" type="checkbox"/>	a. <input type="checkbox"/>
6	65. <input checked="" type="checkbox"/>	91. <input checked="" type="checkbox"/>	b. <input type="checkbox"/>
7	66. <input type="checkbox"/>	92. <input checked="" type="checkbox"/>	c. <input type="checkbox"/>
8	67. <input type="checkbox"/>	93. <input checked="" type="checkbox"/>	d. <input type="checkbox"/>
9	68. <input type="checkbox"/>	94. <input checked="" type="checkbox"/>	e. <input type="checkbox"/>
10	69. <input type="checkbox"/>	95. <input checked="" type="checkbox"/>	f. <input type="checkbox"/>
11	70. <input type="checkbox"/>	96. <input checked="" type="checkbox"/>	116. <input type="checkbox"/>
12	71. <input type="checkbox"/>	97. <input checked="" type="checkbox"/>	a. <input type="checkbox"/>
13	72. <input type="checkbox"/>	98. <input checked="" type="checkbox"/>	b. <input type="checkbox"/>
14	73. <input type="checkbox"/>	99. <input checked="" type="checkbox"/>	c. <input type="checkbox"/>
15	74. <input type="checkbox"/>	100. <input checked="" type="checkbox"/>	d. <input type="checkbox"/>
16	75. <input type="checkbox"/>	101. <input checked="" type="checkbox"/>	e. <input type="checkbox"/>
17	76. <input checked="" type="checkbox"/>	102. <input checked="" type="checkbox"/>	f. <input type="checkbox"/>
18	77. <input checked="" type="checkbox"/>	103. <input checked="" type="checkbox"/>	117. <input type="checkbox"/>
19	78. <input checked="" type="checkbox"/>	104. <input checked="" type="checkbox"/>	118. <input type="checkbox"/>
20	79. <input checked="" type="checkbox"/>	105. <input type="checkbox"/>	119. <input type="checkbox"/>
21	80. <input checked="" type="checkbox"/>	106. <input type="checkbox"/>	120. <input type="checkbox"/>
22	81. <input checked="" type="checkbox"/>	107. <input type="checkbox"/>	121. <input type="checkbox"/>
23	82. <input checked="" type="checkbox"/>	108. <input type="checkbox"/>	122. <input type="checkbox"/>
24	83. <input checked="" type="checkbox"/>	109. <input type="checkbox"/>	123. <input type="checkbox"/>
25	84. <input checked="" type="checkbox"/>	110. <input type="checkbox"/>	124. <input type="checkbox"/>
26	85. <input checked="" type="checkbox"/>	111. <input type="checkbox"/>	125. <input type="checkbox"/>
27			
28			

1	126. <input type="checkbox"/>	152. <input type="checkbox"/>	176. <input type="checkbox"/>
2	127. <input type="checkbox"/>	153. <input type="checkbox"/>	177. <input type="checkbox"/>
3	128. <input type="checkbox"/>	154. <input type="checkbox"/>	178. <input type="checkbox"/>
4	129. <input type="checkbox"/>	155. <input type="checkbox"/>	179. <input type="checkbox"/>
5	130. <input type="checkbox"/>	156. <input type="checkbox"/>	180. <input type="checkbox"/>
6	131. <input type="checkbox"/>	157. <input type="checkbox"/>	181. <input type="checkbox"/>
7	132. <input type="checkbox"/>	a. <input type="checkbox"/>	182. <input type="checkbox"/>
8	133. <input type="checkbox"/>	b. <input type="checkbox"/>	183. <input type="checkbox"/>
9	134. <input type="checkbox"/>	158. <input type="checkbox"/>	184. <input type="checkbox"/>
10	135. <input type="checkbox"/>	159. <input type="checkbox"/>	185. <input type="checkbox"/>
11	136. <input type="checkbox"/>	160. <input type="checkbox"/>	186. <input type="checkbox"/>
12	137. <input checked="" type="checkbox"/>	161. <input type="checkbox"/>	187. <input type="checkbox"/>
13	138. <input checked="" type="checkbox"/>	162. <input type="checkbox"/>	188. <input type="checkbox"/>
14	139. <input checked="" type="checkbox"/>	163. <input type="checkbox"/>	
15	140. <input checked="" type="checkbox"/>	164. <input type="checkbox"/>	
16	141. <input checked="" type="checkbox"/>	165. <input type="checkbox"/>	
17	142. <input checked="" type="checkbox"/>	166. <input checked="" type="checkbox"/>	
18	143. <input checked="" type="checkbox"/>	167. <input checked="" type="checkbox"/>	
19	144. <input checked="" type="checkbox"/>	168. <input checked="" type="checkbox"/>	
20	145. <input checked="" type="checkbox"/>	169. <input checked="" type="checkbox"/>	
21	146. <input checked="" type="checkbox"/>	170. <input checked="" type="checkbox"/>	
22	147. <input checked="" type="checkbox"/>	171. <input checked="" type="checkbox"/>	
23	148. <input checked="" type="checkbox"/>	172. <input checked="" type="checkbox"/>	
24	149. <input checked="" type="checkbox"/>	173. <input type="checkbox"/>	
25	150. <input checked="" type="checkbox"/>	174. <input type="checkbox"/>	
26	151. <input type="checkbox"/>	175. <input type="checkbox"/>	
27			
28			

Plaintiff also alleges the following causes of action not alleged in the Master Complaint: ☐

**CAUSE OF ACTION SIXTEEN**

For \_\_\_\_\_

**(Against Defendants \_\_\_\_\_ and DOES 1 through 500)**

189. The PLAINTIFF re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action. ☐

190. \_\_\_\_\_ ☐

191. Defendants' actions were the legal and proximate cause of PLAINTIFF'S damages. ☐

192. Plaintiff #\_\_\_: was subjected to sexual abuse by Defendant DOE PERPETRATOR approximately \_\_\_ times between approximately the following date(s):

Year (if known): \_\_\_\_\_ to Year (if known) \_\_\_\_\_

(\*Please attach additional pages, if necessary)

193. Cause of action for \_\_\_\_\_ ☐

194. Cause of action for \_\_\_\_\_ ☐

195. Cause of action for \_\_\_\_\_ ☐

196. Cause of action for \_\_\_\_\_ ☐

197. Cause of action for \_\_\_\_\_ ☐

196. Cause of action for \_\_\_\_\_ ☐

Factual Allegations Specific to Plaintiff ☒

Venue is proper in this County because this case will be added to the coordinated proceeding currently pending before Judge Evelio M. Grillo in Department 21 of the Alameda County Superior Court.

Plaintiff, LL JOHN DOE JU, is an adult male born on Janaury 1, 1961. Plaintiff is a current resident of Auburn, Placer County, California. The allegations set forth in this Complaint occurred in Santa Clara County, California. Plaintiff was a minor, approximately 6 to 9 years old, when the sexual assault alleged herein occurred, beginning in approximately 1968 and continuing until approximately 1971.

1 Beginning in approximately 1968, Plaintiff was an altar boy, parishioner, member, and/or attendee of  
2 Defendant DOE PARISH in Mountian View, California. Upon information and belief, at all times  
3 relevant, Father George Moss was an ordained priest in the Roman Catholic Church and was assigned to  
4 Defendant DOE ARCHDIOCESE, Defendant DOE PARISH, Defendant DOE SCHOOL, and  
5 Defendant DOE RELIGIOUS ORDER. Plaintiff believed Father Moss was a trusted adult.

6  
7 Beginning in approximately 1968, Father Moss began sexually abusing Plaintiff. Plaintiff was an  
8 altar boy and Father Moss would make Plaintiff help him dress. Once they were alone, Father Moss used  
9 the opportunity to sexually abuse Plaintiff. Father Moss fondled Plaintiff over and under his clothing, and  
10 progressed to Father Moss sodomizing Plaintiff. The abuse also occurred at Defendant DOE SCHOOL  
11 next to Defendant DOE PARISH. Father Moss made Plaintiff and other children line up after using the  
12 pool and washed each boy. While washing Plaintiff, Father Moss fondled Plaintiff's genitals and  
13 buttocks. Father Moss then made Plaintiff wash him and make Plaintiff touch his penis. The abuse  
14 occurred several times over an approximate three year period.

15  
16 As a direct and proximate result of the wrongful conduct alleged herein, Plaintiff has suffered, and  
17 continues to suffer physical injury, shame, shock, emotional distress, physical manifestations of emotional  
18 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has  
19 suffered and continues to suffer spiritually; was prevented and will continue to be prevented from  
20 performing Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has incurred and will  
21 continue to incur expenses for medical and psychological treatment, therapy, and counseling.

22  
23 **PLAINTIFF'S PRAYER FOR RELIEF:**

- 24  
25 1. For past, present and future general damages in an amount to be determined at trial; ☒  
26 2. For past, present and future special damages, including but not limited to past, present  
27 and future lost earnings, economic damages and others, in an amount to be determined at  
28 trial; ☒



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 3. Any appropriate statutory damages, including attorneys' fees; ☒
- 4. For costs of suit; ☒
- 5. For pre- and post-judgment interest as allowed by law; ☒
- 6. For attorney's fees pursuant to the aforementioned statutes and otherwise allowable by law: ☐
  - a. California *Code of Civil Procedure* § 1021.5; ☒
  - b. California *Code of Civil Procedure* § 1021.4 as to the DOE PERPETRATOR only; ☐
  - c. California *Civil Code* §52; ☐
- 7. With regard to the Tenth Cause of Action for Fraudulent Transfer, Plaintiff(s) request: ☐
  - a. A judgment declaring that the Transfer of Asset(s) were void and invalid; ☐
  - b. A money judgment against the transferees of the Assets for the value of the Transferred Asset(s); ☐
  - c. Imposition and enforcement of a lien in favor of Plaintiff(s) on the Transfer of Asset(s); ☐
  - d. Other appropriate legal or equitable relief, including an attachment lien or other provisional remedy, an injunction against further disposition of the Transfer of Asset(s) or its proceeds, and/or the appointment of a receiver to take charge of the asset(s) transferred or its proceeds; ☐ and/or
  - e. In the alternative, that the Transfer of Asset(s) were void and invalid, a judgment declaring that the purported creation and purpose of the Transfer of Asset(s) was void and invalid, and that all assets held or previously held are subject to the claims of Plaintiff(s). ☐
- 8. For such other and further relief as the court may deem proper. ☒

Plaintiff \_\_\_\_ also asserts the following damages prayer(s) not asserted in the Master Complaint: ☐

\_\_\_\_\_

\_\_\_\_\_

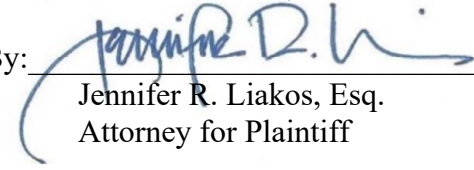
\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff makes a demand for a trial by jury. ☒

Dated: May 23, 2023

**LIAKOS LAW, APC**

By:   
Jennifer R. Liakos, Esq.  
Attorney for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am a resident of the State of New York and over the age of eighteen years, and not a party to the within action; my business address is 955 Deep Valley Drive, Suite 3900, Palos Verdes Peninsula, California 90274.

On the date signed below, I served ☐ the original or ☒ a true copy of the document(s):

**1. AMENDED COMPLAINT WITH NOTICE OF ADOPTION AS EXHIBIT A**

on the following interested parties in this action:

Paul E. Gaspari, Esq.

[pgaspari@weintraub.com](mailto:pgaspari@weintraub.com)

[blewis@weintraub.com](mailto:blewis@weintraub.com)

Wientraub Tobin Chediak Coleman Grodin Law Corporation

475 Sansome Street, Suite 150

San Francisco, CA 94111

Joseph P. Roddy, Esq.

[jroddy@burkelaw.com](mailto:jroddy@burkelaw.com)

Burke, Warren, MacKay & Serritella, P.C.

330 North Wabash Avenue, Suite 2100

Chicago, IL 60611

☒ BY E-MAIL / E-SERVICE: by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth above.

☐ BY U.S. MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Buffalo, New York in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth above on this date before 5:00 p.m.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 23, 2023, at Buffalo, New York.

  
Justine Mistretta

# Exhibit 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Jennifer R. Liakos, Esq. (SBN #207487)</b> <b>LIAKOS LAW, APC</b> <b>955 Deep Vally Drive, Suite 3900</b> <b>Palos Verdes Peninsula, CA 90274</b> TELEPHONE NO.: (310) 961-0066 FAX NO. (Optional): E-MAIL ADDRESS (Optional): <b>Jenn@jennliakoslaw.com</b> ATTORNEY FOR (Name): <b>Plaintiff</b>	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California County of Alameda <b>06/13/2023</b> Chad Finke, Executive Officer / Clerk of the Court By: <u>          V. Hutton          </u> Deputy
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA</b> STREET ADDRESS: <b>1225 Fallon Street</b> MAILING ADDRESS: <b>1225 Fallon Street</b> CITY AND ZIP CODE: <b>Oakland 94612</b> BRANCH NAME: <b>Rene C. Davidson Courthouse</b>	
PLAINTIFF/PETITIONER: <b>LL John Doe JU</b>  DEFENDANT/RESPONDENT: <b>Defendant Doe Archdiocese, et al</b>	CASE NUMBER: <b>22CV023613</b>
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.:

*(Separate proof of service is required for each party served.)*

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☒ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet *(served in complex cases only)*
  - e. ☐ cross-complaint
  - f. ☒ other *(specify documents)*: Minute Order of 1/11/23; Notice of Related Case; Plaintiff's Notice of Posting Jury Fees; Order re Complex Determination; (continued on attachment)
3. a. Party served *(specify name of party as shown on documents served)*: Defendant Doe Archdiocese
   
  
 b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a)*:
4. Address where the party was served: **Pgaspari@weintraub.com & Blewis@weintraub.com**
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date)*: \_\_\_\_\_ (2) at *(time)*: \_\_\_\_\_
  - b. ☐ **by substituted service.** On *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3)*: \_\_\_\_\_
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date)*: \_\_\_\_\_ from *(city)*: \_\_\_\_\_ or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: LL John Doe JU	CASE NUMBER: 22CV023613
DEFENDANT/RESPONDENT: Defendant Doe Archdiocese, et al	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☒ **by other means** (*specify means of service and authorizing code section*):  
Service was completed electronically via Notice and Acknowledgement of Receipt from  
jmistretta@jennliakoslaw.com on March 10, 2023

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☒ as the person sued under the fictitious name of (*specify*): Defendant Doe Archdiocese
- c. ☐ as occupant.
- d. ☐ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: Justine Mistretta
- b. Address: 955 Deep Valley Drive, Suite 3900, Palos Verdes Peninsula, CA 90274
- c. Telephone number: (310) 961-0066
- d. **The fee** for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: June 13, 2023

Justine Mistretta  
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

► *Justine Mistretta*  
(SIGNATURE)

SHORT TITLE: LL John Doe JU v. Defendant Doe Archdiocese, et al	CASE NUMBER: 22CV023613
--	----------------------------

**ATTACHMENT** (Number): 1

*(This Attachment may be used with any Judicial Council form.)*

Notice of Case Management Conference; Ex-Parte Application for In Camera Review of Certificates of Merit; Order to Seal and Keep Confidential All Certificates of Merit; Order Granting Plaintiff's Application for In Camera Finding of Reasonable and Meritorious Cause for Filing of Action; Order to Seal and Keep Confidential All Certificates of Merit.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

**Page 2 of 2**

*(Add pages as required)*



**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.


(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Page 1 of 1  
Code of Civil Procedure,  
§§ 415.30, 417.10  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

07/06/2023

Clad Flake, Executive Officer/Clerk of the Court

By:  Deputy  
A. Hewitt

JENNIFER R. LIAKOS, ESQ. (SBN #207487)  
LIAKOS LAW, APC  
955 Deep Valley Drive  
Suite 3900  
Palos Verdes Peninsula, CA 90274  
(310) 961-0066  
[Jenn@JennLiakosLaw.com](mailto:Jenn@JennLiakosLaw.com)

Attorney for Plaintiff LL John DOE JU

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA**

Coordinated Proceeding  
Special Title (Rule 3.550)

JCCP No.: 5018  
Case No: 22CV023613

**NORTHERN CALIFORNIA CLERGY  
CASES**

JCCP 5108  
Judge: Hon. Evelio Grillo  
Coordination Trial Judge  
Department: 21

LL JOHN DOE JU, individually,

Plaintiff

vs.

DEFENDANT DOE ARCHDIOCESE;  
DEFENDANT DOE PARISH and  
DEFENDANT DOE SCHOOL (collectively  
referred to herein as "DEFENDANT DOE  
PARISH") DEFENDANT DOE  
RELIGIOUS  
ORDER, DEFENDANT DOES 1 through  
500, inclusive,

Defendants.

**~~PROPOSED~~ ORDER GRANTING  
STIPULATION BY PARTIES TO ADD-ON  
FILED ALAMEDA COUNTY NORTHERN  
CALIFORNIA CLERGY CASE LL JOHN  
DOE JU TO JCCP 5108**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Pursuant to the stipulation entered into by parties, by and through their respective counsel, the following case currently filed in Alameda County involving CCP § 340.1. allegations of childhood sexual assault against DEFENDANT DOE DIOCESE, et al., is hereby added-on to the coordinated proceeding *In Re: Northern California Clergy Cases*, JCCP 5108:

- *LL JOHN DOE JU, individually, v. DEFENDANT DOE DIOCESE, et al*, Alameda County Superior Court Case No. 22CV023613, filed December 12, 2022

All further proceedings in the case listed above is STAYED.

Plaintiff's counsel in the above listed case is ORDERED to file the subject Stipulation and Order in each included action within 5 days of the date of this Order.

**IT IS SO ORDERED.**

DATE: 07/06/2023

  
\_\_\_\_\_  
Hon. Evelio Grillo  
Coordination Trial Judge  
**Evelio Grillo / Judge**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am a resident of the State of New York and over the age of eighteen years, and not a party to the within action; my business address is 955 Deep Valley Drive, Suite 3900, Palos Verdes Peninsula, California 90274.

On the date signed below, I served ☐ the original or ☒ a true copy of the document(s):

**1. ORDER GRANTING STIPULATION BY PARTIES TO ADD-ON FILED  
ALAMEDA COUNTY NORTHERN CALIFORNIA CLERGY CASE LL JOHN  
DOE JU TO JCCP 5108**

on the following interested parties in this action:

Paul E. Gaspari, Esq.

[Pgasp@weintraub.com](mailto:Pgasp@weintraub.com)

[Blewis@weintraub.com](mailto:Blewis@weintraub.com)

[Mcooper@weintraub.com](mailto:Mcooper@weintraub.com)

[Mkong@weintraub.com](mailto:Mkong@weintraub.com)

Wientraub Tobin Chediak Coleman Grodin Law Corporation

475 Sansome Street, Suite 150

San Francisco, CA 94111

Michael T. Zeller, Esq.

[Michaelzeller@quinnemanuel.com](mailto:Michaelzeller@quinnemanuel.com)

[Dylanbonfigli@quinnemanuel.com](mailto:Dylanbonfigli@quinnemanuel.com)

Quinn Emanuel Urquhart & Sullivan, LLP

865 South Figueroa Street, 10th Floor

Los Angeles, CA 90017

☒ BY E-MAIL / E-SERVICE: by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth above.

☐ BY U.S. MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Buffalo, New York in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth above on this date before 5:00 p.m.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct, and that this declaration was executed on July 21, 2023, at Buffalo,  
3 New York.

4   
5 Justine Mistretta

# Exhibit 3

1 Paul J. Pascuzzi, State Bar No. 148810  
Jason E. Rios, State Bar No. 190086  
2 Thomas R. Phinney, State Bar No. 159435  
Mikayla E. Kutsuris, State Bar No. 339777  
3 FELDERSTEIN FITZGERALD  
WILLOUGHBY PASCUZZI & RIOS LLP  
4 500 Capitol Mall, Suite 2250  
Sacramento, CA 95814  
5 Telephone: (916) 329-7400  
Facsimile: (916) 329-7435  
6 Email: ppascuzzi@ffwplaw.com  
jrios@ffwplaw.com  
7 tphinney@ffwplaw.com  
mkutsuris@ffwplaw.com  
8

9 Ori Katz, State Bar No. 209561  
Alan H. Martin, State Bar No. 132301  
10 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
11 Including Professional Corporations  
Four Embarcadero Center, 17<sup>th</sup> Floor  
12 San Francisco, California 94111-4109  
Telephone: (415) 434-9100  
13 Facsimile: (415) 434-3947  
Email: okatz@sheppardmullin.com  
14 amartin@sheppardmullin.com

15 Attorneys for The Roman Catholic Archbishop of  
San Francisco

16 UNITED STATES BANKRUPTCY COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 In re

21 THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

22 Debtor and  
23 Debtor in Possession.

Case No. 23-30564

Chapter 11

Date: March 13, 2025  
Time: 1:30 p.m.  
Judge: Hon. Dennis Montali

24  
25 DEBTOR'S STATUS CONFERENCE STATEMENT FOR  
26 MARCH 13, 2025, STATUS CONFERENCE  
27  
28



1 The Roman Catholic Archbishop of San Francisco, the debtor and debtor in possession (the  
2 “RCASF” or the “Debtor”), submits this Status Conference Statement pursuant to the Court’s  
3 Docket Text Order dated March 5, 2025.

4 1. On August 21, 2023, the Debtor filed a voluntary Chapter 11 Bankruptcy Petition.  
5 The Debtor remains in possession of its estate, no trustee having been appointed. The Debtor is  
6 operating and managing its business as a debtor in possession pursuant to the provisions of Sections  
7 1107 and 1108 of the Bankruptcy Code. On September 1, 2023, the Office of the United States  
8 Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”) [ECF No. 58].

9 2. The RCASF filed this bankruptcy case to reorganize its financial affairs pursuant to  
10 a plan of reorganization that will, among other things, fairly, justly, and equitably compensate  
11 survivors of sexual abuse by clergy or others associated with the RCASF.

12 3. Virtually all of the Chapter 11 diocesan or religious organization bankruptcy cases  
13 filed prior to the Debtor’s filing that have proceeded through plan confirmation have resulted in  
14 consensually confirmed reorganization plans, the exceptions being some non-settling insurers. In  
15 all of those cases, the terms for a consensual reorganization plan were reached following a mediation  
16 process in which the debtor, non-debtor entities, insurers and the creditors’ committee representing  
17 the interests of survivors of sexual abuse participated.

18 4. Here, the Debtor filed a motion for entry of an order referring parties to global  
19 mediation, the selection of a mediator(s), and granting related relief [ECF No. 635] (the “Mediation  
20 Motion”). The Mediation Motion was joined by the Committee [ECF No. 641].<sup>1</sup> After a hearing,  
21 the Court issued its memorandum of decision referring the parties to global mediation and resolving  
22 certain disputed terms of the proposed order (“Mediation Order”). [ECF No. 747]. The Mediation  
23

---

24 <sup>1</sup> The Committee’s joinder, while reserving discovery rights, indicated that it “enthusiastically  
25 supports” the appointment of the mediators of its own selection. [ECF No. 641 at p. 3]. Its reply to  
26 certain insurers’ response indicated Committee support for the purpose of the mediation motion:  
27 “the appointment of two highly-qualified mediators so the parties can begin mediation as  
28 expeditiously as possible.” [ECF No. 683 at p. 2 ]. The Insurers’ pleading indicated “support [for]  
mediation” and their intention “to actively participate in mediation to achieve a consensual  
settlement, as the Insurers have done repeatedly in other bankruptcy proceedings involving Catholic  
dioceses.” [ECF No. 668 at p. 2].

1 Order appointed the Hon. Daniel J. Buckley (Ret.), the Hon. Christopher S. Sontchi (Ret.), and  
2 Timothy V.P. Gallagher as mediators (collectively, the “Mediators”).

3 5. In preparation for the mediation sessions, the Debtor, the Non-Debtor Entities, and  
4 Committee-subpoenaed third parties have produced thousands of pages of documents to the  
5 Committee in a transparent and mostly cooperative process. A substantial part of the professional  
6 fees incurred in this case so far have been for the Committee’s discovery.<sup>2</sup>

7 6. In addition to its good faith efforts to be transparent, the Debtor has evaluated and  
8 strategized on its insurance resources. There are approximately 14 insurers with various primary  
9 and excess policies spanning a period of approximately 70 years, which are impacted by the survivor  
10 claims. The Debtor has met and conferred with these insurers to discuss policy issues, information  
11 sharing, claims evaluation, and coverage issues to develop strategy and prepare for and participate  
12 in mediation.

13 7. The Debtor and the Committee have entered into a plan “standstill agreement”  
14 whereby the parties agreed not to unilaterally file or solicit a plan of reorganization for the next six  
15 months, with the ability to terminate that agreement upon 45 days’ notice. [ECF No. 999 and 1002].

16 8. Without waiving or violating the mediation privilege, the Debtor can report that there  
17 have been four in person mediation sessions with the Mediators, the Debtor, the Committee and  
18 Insurers.<sup>3</sup> The Mediators have dates set for further mediation sessions into the summer.

19 9. In the view of the Debtor’s professionals, most of which have significant experience  
20 in clergy abuse matters, the mediation is progressing well and as expected. The mediation process  
21 is just that, a process. That process is at its beginning stages, is ongoing and is expected to be  
22 fruitful, especially with the assistance of our experienced Mediators. If the Court has questions  
23 about the status of the mediation, the Debtor suggests that the Court speak with the mediators as has  
24

---

25 <sup>2</sup> For the Court’s reference, the Committee’s Rule 2004 applications may be found at ECF  
26 Nos. 292, 496, 630, 849, and 855. Those applications are in addition to discovery from the insurers  
via letters.

27 <sup>3</sup> The majority of the participation has been in person, but some participants appeared by  
28 video.

1 been done in other cases. *See e.g., In re The Roman Catholic Church of the Archdiocese of New*  
2 *Orleans*, Case No. 20-10846 (U.S. Bankr. E.D. La.) at Docket No. 3809 (order setting status  
3 conference with mediators to attend); *In re The Roman Catholic Diocese of Albany, New York*, Case  
4 No. 23-10244 (U.S. Bankr. N.D.N.Y.) at Docket No. 1511 (order approving stipulation allowing  
5 court to contact mediators regarding the current status of the mediation, the positions taken by the  
6 mediation parties, and any recommendations by the mediators as to how to bring the case to a  
7 resolution as soon as possible).

8 10. Other items pending before the Court at this time include the following:

9 a. The Committee's motion for relief from stay to try "test" cases in state court  
10 is set for hearing on March 27, 2025. [ECF No. 1015]. The Debtor will be opposing the motion on  
11 numerous grounds, one of which will be that the motion is premature given the status of the  
12 mediation process.

13 b. Interim fee applications for all estate professionals are set for hearing on April  
14 10, 2025.

15 11. As the Court may recall, the pre-petition litigation filed against the RCASF and  
16 related co-defendants is pending in the Alameda County Superior Court in a joint coordinated  
17 proceeding commonly referred to as the JCCP 5108. *See* Declaration of Paul Gaspari in Support of  
18 Chapter 11 Petition and Debtor's Emergency Motions at ECF No. 15. The state court in that matter  
19 is considering allowing the cases against the RCASF (and other diocesan chapter 11 debtors) to  
20 proceed as to non-debtor co-defendants. Here, those co-defendants include Catholic Charities CYO  
21 of the Archdiocese of San Francisco and the Roman Catholic Seminary of San Francisco aka St.  
22 Patrick's Seminary. These co-defendants are covered by the same insurance applicable to the  
23 RCASF, so any incurring of defense costs or payment of settlements by the related entities with  
24 those mutual insurance assets also will impact the insurance coverage available to settle claims filed  
25 against the RCASF. These co-defendants have participated in the bankruptcy case by producing  
26 substantial discovery to the Committee with a goal of contributing toward a global settlement. For  
27 these reasons and many others, the RCASF may be seeking relief from this Court as to the scope of  
28

1 the automatic stay and enjoining the continuation of the state court actions against co-defendants  
2 under section 105 of the Bankruptcy Code.

3 12. Since 2004, there have been approximately 40 Catholic diocese or religious orders  
4 that have filed chapter 11.<sup>4</sup> Publicly available information exists on the global settlement amounts  
5 that formed the basis for the consensual chapter 11 plans.<sup>5</sup> When the statute of limitations was  
6 previously reopened in California for the first time, referred to commonly as Clergy III, four jury  
7 trials occurred, including two involving the RCASF. There is an abundance of recent data on child  
8 abuse settlements and jury verdicts in California from the last five years. There has been a  
9 proliferation of abuse lawsuits against non-Catholic entities (e.g., public school districts, sporting  
10 organizations, daycare, scouting, etc.) resulting in numerous recent abuse settlements and verdicts.  
11 By way of a simple verdict and settlement search in Lexis or Westlaw, anyone can access current  
12 “market” values for abuse settlements and verdicts in California. Given this information, there is  
13 no reason why the parties should not be able to resolve this matter in mediation.

14 13. The Debtor firmly believes in the mediation process, the Mediators and the parties’  
15 good faith commitments to participate in mediation to achieve a global resolution in this case. The  
16 Chapter 11 process has created a structure for the transparent provision of information to the  
17 Committee and Insurers (which is substantially accomplished), all constituents have professional  
18 representation, professional and experienced mediators are in place, and there is a framework for  
19 the parties to negotiate a global settlement.

20 ///

21 ///

22 ///

23 ///

24 ///

---

25 <sup>4</sup> See Reilly, Marie T., “A: Case Information” (2024). *Catholic Dioceses in Bankruptcy*. 37.  
26 <https://elibrary.law.psu.edu/bankruptcy/37>.

27 <sup>5</sup> See Reilly, Marie T., “B: Outcomes of Cases” (2024). *Catholic Dioceses in Bankruptcy*. 36.  
28 <https://elibrary.law.psu.edu/bankruptcy/36>.

1           14.     Subject to the Court's discretion, the Debtor believes it would be helpful to the  
2 process to schedule a further status conference in three to four months.

3 Dated: March 12, 2025

FELDERSTEIN FITZGERALD WILLOUGHBY  
PASCUZZI & RIOS LLP

4  
5 By: /s/ Paul J. Pascuzzi  
6 Paul J. Pascuzzi  
7 Jason E. Rios  
8 Mikayla E. Kutsuris  
Attorneys for The Roman Catholic Archbishop of  
San Francisco

9 Dated: March 12, 2025

SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

10  
11 By: /s/ Ori Katz  
12 Ori Katz  
13 Alan H. Martin  
14 Attorneys for The Roman Catholic Archbishop of  
15 San Francisco  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28